

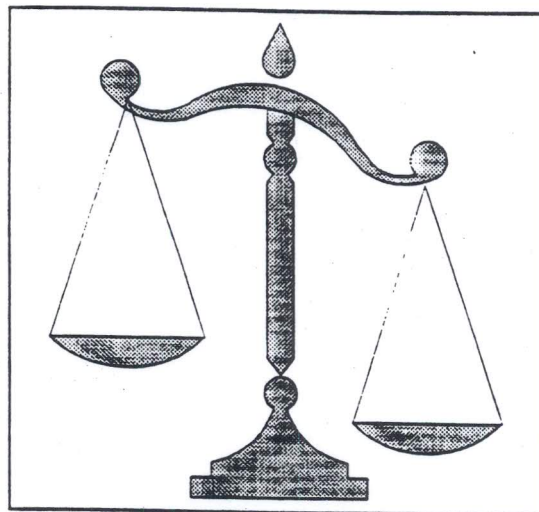
RACIAL DISPROPORTIONALITY IN THE JUVENILE JUSTICE SYSTEM

FINAL REPORT

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PREFACE

In September, 1991, our project on racial disproportionality in the juvenile justice system in Washington State began with the full support and funding of the Department of Social and Health Services (DSHS), and particularly the staffs of the Governor's Juvenile Justice Advisory Committee and the Division of Juvenile Rehabilitation, and the Washington State Commission on African American Affairs. Funds supporting the project were provided by the Washington State Legislature, the Governor's Juvenile Justice Advisory Committee and the Department of Social and Health Services. The primary purpose of the research was to explore a potentially serious social and legal problem in Washington's juvenile courts. This report is the primary product of the research, a description of the project's important findings.

Over the sixteen months of the project, staff travelled across the state, visiting juvenile courts and court personnel in six counties, collecting information on nearly 1,800 youth processed through the courts, and conducting 170 interviews with court personnel, community leaders, defense lawyers, law enforcement officials, judges, and youth. Further, the staff personally logged approximately 65 hours riding in police patrol cars in communities across the state in an effort to understand better the complexity of problems involving police, juvenile crime and the problems of white youth and youth of color. The final format for this report emerged from critical issues raised at the beginning of the project by members of the project's advisory group and from issues that emerged over the course of the project.

We are indebted to the numerous individuals and groups providing us with critical information and data. Dr. Robert Barnoski and his staff at the Office of the Administrator of the State Courts were extremely helpful in providing information from JUVIS, the state management information system on youth processed through the juvenile courts. Further, Mr. Harold Delia and particularly Mr. Dennis Dynes and Ms. Janice O'Mahony of the King County juvenile court provided complete access to data on youth processed in King County.

We are equally indebted to the cooperative assistance provided by the Directors and staffs of the juvenile courts in Pierce, Snohomish, Spokane, Yakima and Kitsap counties for their assistance in collecting information on individual youth processed through each of the six courts. The Directors --Stephen Johnston, Mike Sullivan, Tom Davis, Paul Peterson and Ed Friswald -- were particularly supportive of the project and the work of our staff. Also, Mr. Jerry Wasson and Dr. John Steiger of the Division of Juvenile Rehabilitation and Ms. Rosalie McHale of the Governor's Juvenile Justice Advisory Committee in the Department of Social and Health Services were extremely helpful in providing financial support for the project and also for information on youth confined in DJR facilities.

Mr. Fred Nick and his staff at the Center for Social Science Computation and Research (CSSCR) at the University of Washington played a critical role in developing and merging information from the various files of data we obtained for the project. Without CSSCR's assistance this project could not have been completed.

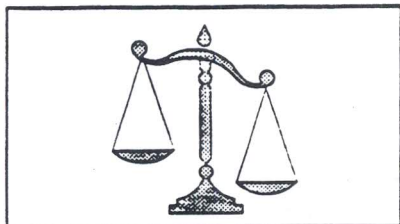
Finally, we are indebted to the members of the Commission on African American Affairs, and its Executive Director, Mr. James Kelly for their financial support, assistance and advice.

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EXECUTIVE SUMMARY

A. Project Background



A central and recurring concern in Washington State is racial disproportionality in the administration of juvenile justice. While African-American and other youth of color constitute a relatively small share of the state's juvenile population, they have in recent years comprised a substantially larger share of persons under the supervision of state juvenile justice agencies. Although persons of color constituted approximately eleven percent (11%) of the state's total population in 1989, they made up approximately thirty-one percent (31%) of all persons referred to juvenile court, nearly thirty percent (30%) of all persons adjudicated in the juvenile court, and approximately thirty-seven percent (37%) of all persons committed to Division of Juvenile Rehabilitation (DJR) facilities.

Such disproportionality fuels controversy over the treatment of youth of color in the administration juvenile justice. The mere existence of disproportionality raises concern about the possibility of racial and ethnic discrimination in the juvenile courts -- the unfair and unequal application of law on the basis of race or ethnicity. The possibility of unequal or unfair treatment is particularly problematic in Washington State, given the state's recent history of laws and legal reforms in juvenile justice. In 1977, the Washington State Legislature enacted the Juvenile Justice Reform Act (House Bill 371). At the heart of this reform, which included the introduction of presumptive or determinate sentencing of juveniles, were concerns expressed by legislators and reform supporters that the existing juvenile justice system often processed juveniles in an arbitrary or capricious manner.

Presently, the concern is whether disproportionality in the rates of confinement for

whites and youth of color -- and in rates of disposition at earlier points in the handling of juvenile cases -- reflects altogether different standards of justice for different racial or ethnic groups. In response to these and other concerns, the Legislature provided funds in the 1991-1992 budget to be used in conjunction with federal funds to study the extensiveness and causes of disproportionality within the state. Prompted by questions raised about disproportionality by the Commission on African American Affairs (CAAA), the Department of Social and Health Services (DSHS), and the Governor's Juvenile Justice Advisory Committee, this study addresses three primary issues:

- County differences in levels of ethnic disproportionality at each stage of the juvenile justice system.
- Case-level circumstances (e.g. characteristics of cases) contributing to disproportionality either independently at each stage of the juvenile justice process or cumulatively across all stages, and
- The interpretations of juvenile justice officials and others knowledgeable about juvenile justice of the extensiveness and causes of racial and ethnic disproportionality.

B. The Study

The study is divided into three components, corresponding to the objectives described above. The first component is a county-level comparison that focuses on the characteristics of Washington counties that may assist in explaining county-level differences in racial and ethnic disproportionality. The second part of the project compares the case processing of individual cases at each major step or level in the juvenile justice system in six selected counties (King, Pierce, Snohomish, Kitsap, Yakima, and Spokane). This part examines the characteristics of cases, including race/ethnicity, that influence the outcomes of juvenile cases at each step. The final part of the project studies the qualitative contexts of juvenile justice processing and examines the views and perceptions of persons involved in

the administration of juvenile justice, of representatives of communities of color, and participants in the juvenile justice process. This part of the project draws upon interviews with persons across the state on aspects of juvenile justice laws, policies and practices of officials that may influence levels of racial/ethnic disproportionality.

This report summarizes the research results. The remaining parts of this executive summary briefly review the major findings. Part C summarizes the results of county-level analyses of disproportionality, focusing on levels of disproportionality for the state and for individual counties in rates of arrest, referral, detention, diversion, prosecution, adjudication and confinement to Division of Juvenile Rehabilitation (DJR) facilities. Part D summarizes the results of the analysis of case-related information on individuals referred to the juvenile courts in six Washington counties. Part E reviews the results of interviews conducted with juvenile justice officials and community leaders and observations of police and courtroom interactions between persons of color and justice officials. Finally, Part F offers conclusions about disproportionality from the project findings. This final part reviews recommendations for public policies needed to remedy *unwarranted* disproportionality in the administration of juvenile justice.

C. Disproportionality Across Washington Counties

In 1990, youth of color constituted fifteen percent (15%) of the total population of youth in Washington State. Approximately eighty-five percent (85%) of Washington youth were European American (white), four percent (4%) African American, two percent (2%) Native American, five percent (5%) Asian/Pacific Islander, and four percent (4%) other racial groups. Approximately seven percent (7%) of the population was Hispanic (Latino).

Youth Arrested

On average, youth of color were arrested at disproportionately low rates given their

numbers in the general population -- compared to whites, they were slightly less likely to be arrested for juvenile offenses. However, *African American youth were almost twice as likely to be arrested as whites.*

Youth Referred to the Juvenile Court

Despite lower arrest rates than whites, youth of color were referred to the juvenile court at substantially *higher* rates than white youth. Compared to whites, they were approximately two times more likely to be referred to the court for felonies or misdemeanors. *African American youth were approximately five times more likely to be referred than whites.*

Youth Detained

In a pattern similar to that observed for referrals, youth of color were detained prior to adjudication at significantly *higher* rates than white youth. Compared to whites, they were approximately twice as likely to be detained. *African American youth were approximately five times more likely to be detained than whites; American Indians were nearly twice as likely to be detained; and Asians/Pacific Islanders were slightly less likely than whites to be detained. Hispanics (Latinos) were approximately one and one-half times more likely to be detained than whites.*

Youth Diverted

Despite disproportionately high rates of referral, youth of color were diverted from criminal prosecution at *lower* rates than white youth. Overall, youth of color were less likely than whites to be diverted from prosecution. *African American youth were significantly less likely than whites to be diverted; American Indians and Asians/Pacific Islanders almost as likely as whites to be diverted. Hispanics (Latinos) were significantly less likely to be diverted than whites.*

Youth Prosecuted

Youth of color were more likely than whites to be prosecuted -- compared to whites, they were one and one-half times more likely to be charged with offenses. *African American youth were more than three times more likely to be charged than whites*; American Indians were slightly more likely than whites; and Asians/Pacific Islanders less likely than whites to be charged with offenses. Hispanics (Latinos) were only somewhat more likely to be charged than whites.

Youth Adjudicated Guilty

Youth of color were adjudicated for offenses at disproportionately higher rates than whites -- they were nearly one and one-half times more likely to be adjudicated. *African American youth were approximately two and one-half times more likely to be adjudicated than whites*; American Indians were only slightly more likely than whites; and Asians/Pacific Islanders significantly less than whites. Hispanics (Latinos) were almost as equally likely to be adjudicated as whites.

Youth Sentenced to Confinement

Racial and ethnic disproportionality -- at the state level -- is the most pronounced in sentencing to confinement. On average, youth of color were sentenced to confinement at a rate four times higher than whites. *African American youth were approximately 11 times more likely to be sentenced to confinement than whites*; American Indians were approximately three times more likely than whites; and Asians/Pacific Islanders and whites were almost equally likely to be sentenced to confinement. Hispanics (Latinos) were significantly less likely to be sentenced to confinement than whites.

Youth Confined

Youth of color were actually confined at disproportionately high rates compared to

whites. On average, they were approximately three times more likely to be confined for offenses. *African American youth were seven times more likely to be confined than whites; American Indians were approximately three times more likely than whites; and Asians/Pacific Islanders much less likely than whites. Hispanics (Latinos) were approximately two times as likely to be confined as whites.*

Characteristics of Counties Associated with Disproportionality

Important characteristics of counties may assist in explaining racial and ethnic disproportionality. Analyses of these characteristics examined the demographic composition of each county's juvenile population, arrest rates and demographic composition. Among the characteristics considered, the following were most strongly associated with high rates of disproportionality:

- the concentration and growth of youth of color in counties,
- the degree of urbanization, and
- levels of violent crime and chronic juvenile offending.

Counties with large concentrations of youth of color, counties with a large proportion of their population in urban areas, counties with a high violent crime rate and high rates of chronic juvenile involvement in crime experience significantly higher levels of disproportionality than others.

However, disproportionality in these counties is neither caused nor explained by a higher number of youth of color getting arrested or cited and referred to the juvenile court, and then being prosecuted and adjudicated for their offenses. County characteristics such as the minority concentration or changes in the demographic composition of counties represent aspects of the social context in which juvenile justice is administered that may affect, either directly or inadvertently, decisions made about youth processed through the juvenile court. Officials in areas experiencing dramatic growth or change in the population -- particularly

where the changes involved increased numbers of youth -- may be more concerned about community crime and threats to community order and may therefore encourage stricter enforcement of laws regulating the behavior of youth.

D. Disproportionality in the Processing of Individual Cases

The second component of the project examined the dispositions of a representative sample of 1,777 cases at each major step or level in the juvenile justice system in six selected counties (King, Pierce, Snohomish, Kitsap, Yakima, and Spokane). Information was collected on the role of race and ethnicity and related factors in disposition decisions.

The causes of racial and ethnic differences in disposition vary by stage of the administration of juvenile justice. At *detention*, disparities occur because youth of color who are older are more likely to be detained than white youth, even following adjustment for differences between the cases and backgrounds of youth. This pattern is closely related to two other factors contributing to the likelihood of detention -- youth with lower levels of school attendance and youth from single parent families are more likely to be detained than others. That youth of color have higher rates of school drop out and are more likely than white youth to live in single parent households may contribute to their higher rates of detention.

While youth of color are, on average, more likely than white youth to have their cases referred to *diversion*, this occurs primarily because minority youth have much higher rates of referral in general. Further, youth of color with any prior record of referrals are less likely to have their cases referred to *diversion* than similarly situated white youth. In contrast, prosecutors are much more likely to file *no charges* in cases involving white youth.

Although minority youth are, on average, *prosecuted* at substantially higher rates than whites, this occurs primarily because the likelihood of prosecution is significantly

greater for 1) youth of color with prior records of juvenile court referral and 2) any youth detained prior to adjudication. The latter of these is particularly important to understanding racial and ethnic disparities in prosecution -- as noted above, minority youth are much more likely to be detained prior to adjudication.

At *adjudication*, youth of color, particularly those with prior records, were more likely than similarly situated white youth to be adjudicated guilty. And in a manner similar to prosecution, youth who are detained prior to adjudication are also at a disadvantage; they are much more likely to be found guilty than other youth. These factors combine to cause pronounced disparities at adjudication because white youth and youth *not* detained prior to adjudication were significantly more likely than youth of color to have the charges filed against them actually dismissed by the court.

Racial and ethnic disparities at *sentencing* are associated in large part with racial differences in the likelihood of detention prior to adjudication. Detention has a direct and independent influence on sentencing outcomes, above and beyond the effects of other factors. Youth of color are more likely to be sentenced to confinement under DJR supervision because they are more likely than whites to be detained. This finding is problematic because the state sentencing guidelines make *no* provision for differences among youth in detention prior to adjudication.

Finally, disparities at *confinement* are most strongly related to the classification and commitment of youth to high or maximum security facilities. In comparison to white youth, youth are much more likely to be committed initially to maximum security facilities and much less likely than whites to be placed in community residential facilities -- either state or county-based group homes. While this occurs in part due to differences between white youth and youth of color in the types of crimes committed, the difference may also

reflect difficulties in establishing and locating group home placements for youth of color in the urban counties in which many live.

E. Perceptions and Knowledge About Disproportionality and Its Causes

Based upon interviews conducted with persons across the state, this part of the project examined the views and perceptions of juvenile justice officials, representatives of communities of color, and other participants in the juvenile justice process. The interviews focused on respondents' perceptions of the pervasiveness, seriousness, and perceived causes of disproportionality. The results of these interviews are described below.

Pervasiveness of Disproportionality

Many persons interviewed have expressed concern that racial and ethnic disproportionality is a problem in the administration of juvenile justice. Most of these felt that it is complex and not localized, either to a particular stage of the juvenile justice process or to a particular region or community in the state.

Seriousness of Disproportionality

Officials were quite troubled by disproportionality but often for very different reasons. One official's primary concern was the welfare of youth of color and the limited amount of social services they typically receive. However, another official viewed disproportionality as a direct result of significant and, in his opinion, serious racial and ethnic differences in crime. He felt that some youth of color represented a significant threat of violence and that a firmer response by the legal system to that threat was needed.

Perceived Causes of Disproportionality

Many factors were identified in the interviews as potential causes of disproportionality. Among the most salient were 1) racial and ethnic differences in criminal

conduct, 2) problems related to gangs and the labelling of gang behavior, 3) differences between rural and urban arrest practices as they affect youth of color, 4) racial insensitivity in courts, 5) racial and ethnic differences in levels of social support available to youth accused of offenses, and 6) limited treatment alternatives for youth adjudicated for offenses.

F. Summary, Implications and Policy Recommendations

These findings reveal a system of juvenile justice, and related standards and guidelines, that is partial not impartial. Laws are enforced and applied unequally and there exists a critical need for reforms. The current statute (RCW 13.40.0351) offers a framework for these reforms:

"The sentencing guidelines and prosecuting standards apply equally to juvenile offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or the previous record of the offender."

Remedies must ensure that juvenile justice is administered equally across the state and without regard to the race, ethnicity or other social characteristics of youth accused of offenses.

The study findings suggest eight recommendations for policy initiatives to assist in improving the administration of juvenile justice in Washington State and in reducing levels of unwarranted racial and ethnic disproportionality in the prosecution, adjudication and sentencing of youth. The recommended initiatives are as follows:

-Improved Procedures for the collection and Analysis of Information on Youth Referred, Prosecuted, Adjudicated and Sentenced in the Juvenile Courts.

-Extensive and Routine Diversity Training for Law Enforcement and Juvenile Justice Officials.

-Improved Procedures for the Dissemination of Information about the Administration of Juvenile Justice.

-Revision of RCW 13.40.040 Specifying Criteria for use in Detention Decisions.

-Revision of RCW 13.06 Specifying Conditions on Use of Consolidated Juvenile Services Funds, and

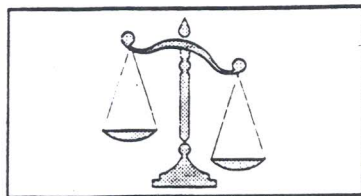
-Development of Uniform Principles and Practices in the Prosecution and Adjudication of Juvenile Offenses.

-Review and Revision of Disposition Standards in RCW 13.40.0357 to Redress Any Adverse Effects to Youth Related to Pre-Adjudication Detention

-Develop Alternatives to Detention and Confinement for Youth

Finally, any policy initiatives developed in response to the problems identified in this report must emerge from the recognition that the quality and effectiveness of the system of juvenile justice in Washington State must be gauged in large measure by its fairness and equity. Any departure from a fair or equitable system violates the letter and spirit of current statutes. It also undermines their effectiveness. Washington's laws were established to assist in protecting communities from serious youth crime and in deterring youth from committing future offenses. The Legislature enacted those laws on the assumption that courts would apply penalties fairly and equally across the state and across individuals within every county and region of the state. The findings presented in this report seriously question whether courts have achieved such fairness and equity. The study findings must, therefore, be carefully weighed and considered with respect to the goal of actually achieving a system of juvenile justice that is fair and effective in responding to the problems of Washington's youth.

I. PROJECT BACKGROUND AND OBJECTIVES



A. Background

Racial disproportionality in the administration of juvenile justice is a serious social and legal issue. While African-American and other youth of color have constituted a relatively small share of the state's juvenile population, they have comprised a substantially larger share of persons under the supervision of state juvenile justice agencies. Although persons of color constituted only eleven percent (11%) of the state's total population in 1989, they made up approximately thirty-one percent (31%) of all persons referred to juvenile court, nearly thirty percent (30%) of all persons adjudicated in the juvenile court, and approximately thirty-seven percent (37%) of all persons committed to juvenile correctional facilities.¹

Such disproportionality fuels controversy over the treatment of persons of color in the administration juvenile justice. The mere existence of disproportionality raises the specter of racial and ethnic discrimination in the juvenile courts -- the unfair and unequal

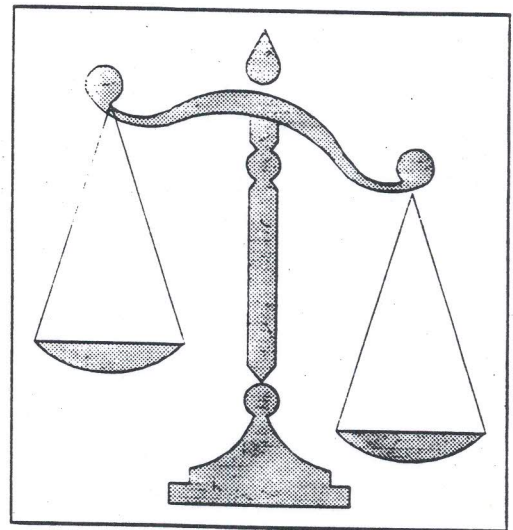
¹Governor's Juvenile Justice Advisory Committee, 1990, Governor's Juvenile Justice Report 1990, Juvenile Justice Section, Department of Social and Health Services; Olympia, Washington.

This discrepancy between percentages of youth of color in the general population and in the population of persons processed by the administration of juvenile justice is typically termed "disproportionality." The term is not comparable to "discrimination" nor does it necessarily mean differential treatment. It implies only the existence of unexpected differences between whites and youth of color given their respective percentages in the composition of the general population of the state.

It is important to note that the data reported in this part of the text on approximate the percentages of minority youth processed through the juvenile court. The data reported in the text omit information on King County because of the non-comparability of King County data with data on all other counties. Given the sizable minority population in King County, it is reasonable to conclude that these percentages underestimate the true percentages of minority youth processed through the juvenile courts in Washington State.

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application of law on the basis of race or ethnicity. Further, that Washington courts espouse a "justice" doctrine of equal treatment for juveniles adjudicated for offenses while actually confining youth of color at significantly higher rates than whites suggests the possibility that current laws and legal procedures governing the juvenile court may be prejudicially enforced or applied.

The possibility of unequal or unfair treatment of youth is particularly problematic in Washington State, given the state's recent history of laws and legal reforms in juvenile justice. In 1977, the Washington State Legislature enacted the Juvenile Justice Reform Act (House Bill 371). The law initiated fundamental and unprecedented changes intended to ensure, among other matters, uniformity in the punishment of juveniles "commensurate with the age, crime and criminal history of the juvenile offender (Revised Code of Washington 13.40.010)." At the heart of this reform, which included the introduction of presumptive or determinate sentencing of juveniles, were concerns expressed by legislators and reform supporters that the existing juvenile justice system often processed juveniles in an arbitrary or capricious manner. Reform supporters maintained:

"There is, within the existing juvenile justice system, a selective reduction of youth who penetrate upward to the next highest and more serious stage of formal contact with juvenile authorities. Such selective reduction is based on *extra-legal factors and idiosyncratic choice* ..." (Representative Ron Hanna, Chair, House Institutions Committee, 1977, emphasis added).

Further, they argued:

"...children who have committed criminal acts should receive dispositions based on the seriousness of their immediate offense, their age, and their past criminal record, *rather than the nature of their past social history*." (Jenny Van Ravenhorst, Staff, Senate Judiciary Committee -- In Washington Bar Association Report, 1978,

emphasis added).²

Presently, the concern is whether disproportionality in the rates of confinement for whites and youth of color -- and in rates of disposition at earlier points in the administration of juvenile justice -- reflects altogether different standards of justice for different racial or ethnic groups. A problematic consequence of public controversy over disproportionality is the damaging effect controversy has on public support for agencies charged with the administration of juvenile justice. The possibility that police, courts and other juvenile justice agencies treat minority youth unequally and possibly unfairly, may significantly undermine public support for those agencies. Even the appearance of unwarranted differences in the treatment of youth of color may exacerbates this problem.

Previous Research

Despite the significance and seriousness of this controversy, there is widespread disagreement about the extensiveness and causes of disproportionality. A recent review of thirty-seven studies of juvenile courts illustrates the nature of this disagreement. Whereas fourteen (37%) of the studies observed no significant racial or ethnic differences in juvenile justice processing (arrest, charging or sentencing) once other differences among juvenile court cases were taken into account, the remaining twenty-three (63%) reported significant differences in processing (Bridges, Deburle and Dutton, 1991).

Quite obviously, studies reach significantly different conclusions about the causes of racial disproportionality depending upon their findings. Studies observing few or no racial or ethnic differences in treatment typically conclude that disproportionality is caused by

² These quotations were taken from the legislative history of the Juvenile Justice Reform Act of 1977. See Schneider et al., 1981.

disproportionate involvement of youth of color in serious and violent crime (see footnote 2). In contrast, studies observing significant racial or ethnic differences in processing are much more likely to conclude that juvenile courts treat youth of color more severely than whites accused of similar types of crime.³

These differences are problematic because previous studies have at least three major limitations. First, they typically overlook important regional or areal differences in the administration of juvenile justice. Most studies are limited to analyses of differential treatment within a few jurisdictions (e.g. Kempf et. al., 1991). Virtually none of the studies known to the authors examines carefully the relationship between characteristics of areas and the differential treatment of youth of color.

Second, many also overlook the complexity of the juvenile justice system. Much previous research has focused on disproportionality in treatment at a single stage of juvenile justice decision-making (e.g. referral to the court, adjudication, or confinement). And until quite recently, very few studies have examined disproportionality across the complex sequence of decision-points which comprise the administration of juvenile justice. As a result, previous studies have ignored the possibility that racial and ethnic differences may

³ Scholars disagree about the precise causes of disproportionality. Some argue that racial and ethnic differences in criminal involvement cause disproportionately high minority rates of arrest, charging and incarceration for offenses (Hagan, 1974; Kleck, 1981; Blumstein, 1982; Petersilia, 1983; Langan, 1985). According to this reasoning, racial disproportionality in the administration of juvenile justice is the result of disproportionate involvement of minority youth in serious and violent crime. In contrast, others argue that disproportionality in arrest, charging and incarceration is the product of racial differences in treatment in the legal process, with courts punishing African-Americans and other persons of color more severely than whites charged with similar types of offenses (Davis, 1969; Christianson, 1980a,b). A final interpretation sees some truth in both of the other views. According to this perspective, differential treatment in the legal system is the result of disproportionate involvement of persons of color in crime *and* the differential treatment of persons of color accused of offenses (Bernstein, et al., 1977a,b; Crutchfield and Bridges, 1986; Bridges and Crutchfield, 1988). While youth of color may commit a larger share of the serious and violent offenses than whites, the juvenile justice system may compound this problem by treating them differently than whites (Kempf et al., 1991).

cumulate across those decision-points such that there exists a cumulative disadvantage for youth of color.

Third, many studies have ignored the views and perceptions, and policies and practices of juvenile justice officials as they may affect the handling of youth accused of offenses. Much of the previous research has focused entirely on the characteristics of cases associated with case outcomes. By disregarding views and perceptions of officials in addition to the informal policies used to make decisions, previous studies have ignored important factors that may influence disproportionality.

The Study

In response to growing concern in Washington State about disproportionality in the administration of juvenile justice, the Governor's Juvenile Justice Committee, in conjunction with the Washington State Legislature and the Washington State Commission on African American Affairs (CAAA), provided 1991-1992 budget funds to study the extensiveness and causes of disproportionality within the state.⁴ Prompted by questions raised by the CAAA and the Department of Social and Health Services (DSHS), this study addresses three primary issues corresponding to the limitations of previous research described above:

-County differences in levels of ethnic disproportionality at each stage of the juvenile justice system.⁵

⁴ Over the course of the project, additional funds were provided by the Department of Social and Health Services (DSHS) and the Division of Juvenile Rehabilitation (DJR) within DSHS.

⁵ Throughout the text of this report the term "county" is used in lieu of "judicial district." Most counties in Washington State have their own juvenile court, particularly those counties with large populations. A few of the smaller counties share the services of juvenile courts and thus, constitute common judicial districts across sets of two or three counties. The analyses of county characteristics and disproportionality reported in the present study are, in

- Case-level circumstances (e.g. characteristics of cases) contributing to disproportionality either independently at each stage of the juvenile justice process or cumulatively across all stages, and

- The interpretations of juvenile justice officials and others knowledgeable about juvenile justice of the extensiveness and causes of racial and ethnic disproportionality.

At the heart of concern about racial and ethnic disproportionality is the need for policies that will remedy *unwarranted* disproportionality, policies that are based in accurate empirical evidence and informed by the views of community leaders and persons involved in the administration of juvenile justice.

B. Study Objectives

The study is divided into three components. The first component is a county-level comparison that focuses on the characteristics of Washington counties that may assist in explaining county-level differences in racial and ethnic disproportionality. The general purpose of this component of the research is to explore whether levels of disproportionality vary in relation to such factors as community crime rates, levels of poverty or economic inequality, levels of urbanization, and region of the state.

Specific objectives for this part of the project include:

- Describing patterns of disproportionality, specifically focusing on disproportionality at different stages of the juvenile justice process.

- Determining which county-level characteristics are most strongly related to disproportionality,

- Comparing the characteristics high and low disparity counties,

fact, analyses of judicial districts. Where one or more counties share a common judicial district, county level characteristics have been combined to form an integrated base of information on the populations served by each district.

The second part of the project compares the case processing of individual cases at each major step or level in the juvenile justice system in six selected counties (King, Pierce, Snohomish, Kitsap, Yakima, and Spokane). This part examines the characteristics of cases, including race/ethnicity, that influence the outcomes of juvenile cases at each step. This part of the research explores whether race/ethnicity influences the outcomes of cases once other aspects or characteristics of cases (e.g. prior criminal record, dependency, substance use history etc.) are taken into account. To ensure that the analysis also considers important county differences in processing, the study is also analyzing case processing 1) in each county separately, and 2) aggregated across all six counties testing for race/ethnicity effects.

Finally, previous studies suggest that the significance of race/ethnicity in case processing may vary by county -- for example, the effects of being African American on the outcomes of cases may vary significantly by county and by stage of the justice process (see Crutchfield and Bridges, 1986; Bridges, Crutchfield and Simpson, 1987; and Kempf, et al. 1991). The analysis will explore this variation, examining precisely how race/ethnicity effects vary by county and by stage.

Objectives for this part of the project include the following:

- Determining whether race/ethnicity influence disproportionality at each stage of the juvenile justice process, once other aspects of cases and the personal backgrounds of youth are taken into account.
- Determining the precise causes of disproportionality at each stage.

The final part of the project studies the qualitative contexts of juvenile justice processing and examines the views and perceptions of persons involved in the administration of juvenile justice, of representatives of communities of color, and participants in the juvenile justice process. This part of the project involves interviews with persons across the

state on aspects of juvenile justice laws, policies and practices of officials that may influence levels of racial/ethnic disproportionality.

The purpose of this part of the proposed project is to collect information in the form of attitudes, perceptions and other anecdotal material that will supplement and extend the analyses performed in the project's first two parts.

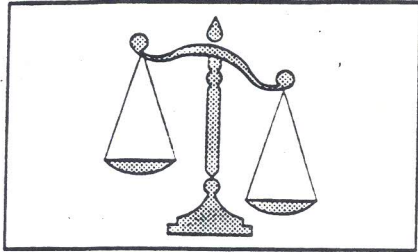
Objectives for this part of the project include:

- Identifying officials, leaders of communities of color and participants in the administration of juvenile justice knowledgeable about the handling of juvenile cases,
- Ascertaining the views and opinions of those persons on factors influencing the outcomes of juvenile justice proceedings.

C. Outline of Report

The remaining parts of this report summarize the research findings. Chapter II reviews the results of county-level analyses of disproportionality, focusing on levels of disproportionality for the state and for individual counties in rates of arrest, charging, diversion, adjudication and confinement to Division of Juvenile Rehabilitation (DJR) facilities. Chapter III summarizes the results of the analysis of case-related information on individuals referred to the juvenile courts in six Washington counties. Chapter IV reviews the results of interviews conducted with juvenile justice officials and community leaders and observations of police and courtroom interactions between persons of color and justice officials. Finally, Chapter V offers conclusions about disproportionality from the project findings. This final chapter reviews recommendations for public policies needed to remedy problems associated with disproportionality in the administration of juvenile justice.

II. DISPROPORTIONALITY ACROSS WASHINGTON'S COUNTIES



This part of the study focuses on levels of disproportionality in Washington counties. The following four objectives guided the analyses:

- What are the current levels of disproportionality in Washington State?
- How do Washington counties differ in the levels of disproportionality?
- What characteristics of counties are most strongly related to levels of disproportionality?, and
- What implications do any observed county differences in disproportionality have for public policy on juvenile justice?

Analyses reported in this chapter focus on disproportionality as measured by comparing the racial and ethnic composition of the population of youth in Washington State with the composition of the populations of youth processed at different stages of the administration of juvenile justice. Findings reported in this chapter are based upon information collected according to the methods specified in Appendix 1.

A. Disproportionality in Washington State

In 1990, youth of color constituted fifteen percent (15%) of the total population of youth in Washington State. Approximately eighty-five percent (85%) of Washington youth were European American (white), four percent (4%) African American, two percent (2%) Native American and five percent (5%) Asian/Pacific Islander. Approximately seven percent

(7%) of the population was Hispanic (Latino).⁶

In examining levels of disproportionality in the administration of juvenile justice, this section of the report compares the population composition of youth in Washington State with the racial and ethnic distributions of all youth 1) arrested for offenses, 2) detained prior to adjudication, 3) diverted from criminal prosecution, 4) prosecuted for offenses, 5) adjudicated guilty, 6) sentenced to confinement, and 7) those actually confined in state juvenile correctional facilities. Further, the comparison examines individual county differences in levels of disproportionality at each of these stages of juvenile justice. The comparison of disproportionality across individual counties is limited to those counties in which the 1990 population of youth of color exceeded 1,000.⁷

Before proceeding, it may prove useful to stress that the term "disproportionality" in the present study is used to refer to the over-representation of minority youth at stages of the administration of juvenile justice relative to the percentage of minority youth that would be expected *given their number in the general population*. Thus, the comparisons between minority youth and white youth described in this chapter refer solely to the relative proportions of these youth at each stage of the juvenile justice system and whether the percentages of minority youth exceed percentages that would be expected given size of the minority population. These initial comparisons make no attempt to explain the many factors

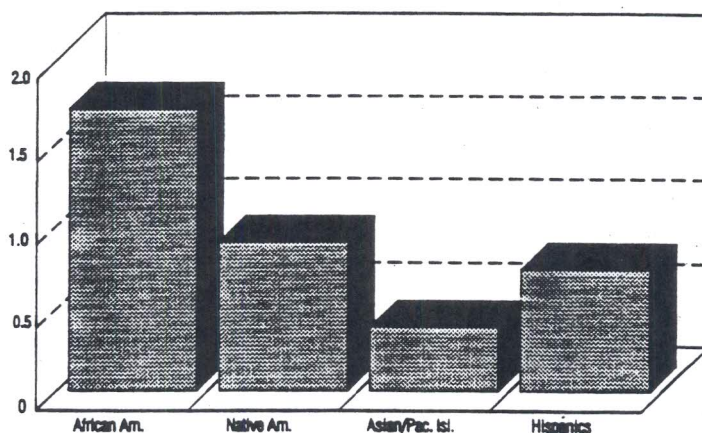
⁶ The percentages included in this category do *not* sum to 100 percent because the Bureau of the Census treats race and ethnic origin (Hispanic) as distinct and different categories. As a result, percent Hispanic includes a variety of racial groups -- African American Hispanics, European American Hispanics, and Asian Hispanics.

⁷ Comparisons across counties may be problematic if the population bases of counties -- upon which estimates of arrest, prosecution and adjudication rates are estimated -- are exceedingly small. It was decided to include the rates of processing for all counties in the statistical appendices but to only report specific county differences for those counties in which the population bases of youth of color exceeded 1,000 persons.

that contribute to disproportionality. Rather, this section of Chapter II only describes the pervasiveness of disproportionality as it has been defined.

Youth Arrested

FIGURE 2.1
COMPARATIVE ODDS OF ARREST



1990 — Youth of Color Compared to Whites

Youth of color constituted fifteen percent (17%) of the total population of youth arrested in Washington State.⁸ Approximately eighty-three percent (83%) of those arrested were European American (white), seven percent (7%) African American, three percent (3%) Native American and two percent (2%) Asian/Pacific Islander. Approximately five percent

⁸ Information on arrest rates is reported for 1990. More current data were not available in a form that could be used for the purposes of this report.

(5%) of the population of youth arrested was Hispanic (Latino).⁹

On average, youth of color were arrested at disproportionately low rates given their numbers in the general population -- compared to whites, they were slightly less likely (.91 times) to be arrested for juvenile offenses. However, Figure 2.1 indicates that African American youth were almost twice (1.7) as likely to be arrested as whites; American Indians were approximately equal to whites in the probability of arrest; and Asians/Pacific Islanders much less likely than whites to be arrested for offenses (.39 times). Hispanics (Latinos) were somewhat less likely than whites (.74 times) to be arrested for offenses.

There exist significant county differences in levels of racial and ethnic disproportionality in rates of arrest (see Table 2.1 in Appendix 2). Counties with the highest rates of disproportionality are Pierce, Spokane, and Whatcom. The relative odds of arrest for youth of color -- across all ethnic groups -- compared to white youth in these counties were 1.8, 1.7, and 1.2 respectively. An example may clarify the meaning of these numbers. In Pierce County, youth of color were, on average, 1.8 times more likely than whites in 1990 to be arrested for either a felony or misdemeanor.

Counties with the lowest levels of disproportionality were Adams, Chelan, Douglas, Lewis, Stevens, Walla Walla. In each of these counties, the relative odds of confinement for youth of color compared to white youth were .2, .4, .4, .2, .1, and .3 respectively. Odds of less than 1.0 mean that youth of color were *less* likely than whites to be arrested for a felony or misdemeanor.

⁹ The percentages included in this part of the analysis may not sum to 100 percent because the information collected on the characteristics of persons arrested in Washington State treats ethnic origin (Hispanic) as a racial category.

Youth Referred to the Juvenile Court

In 1991, youth of color constituted twenty-five percent (25%) of the total population of youth referred to the juvenile court in Washington State. Approximately seventy-five percent (75%) of those referred to the court were European American (white), twelve percent (12%) African American, three percent (3%) Native American and four percent (4%) Asian/Pacific Islander. Approximately six percent (6%) of the population of youth referred was Hispanic (Latino).¹⁰

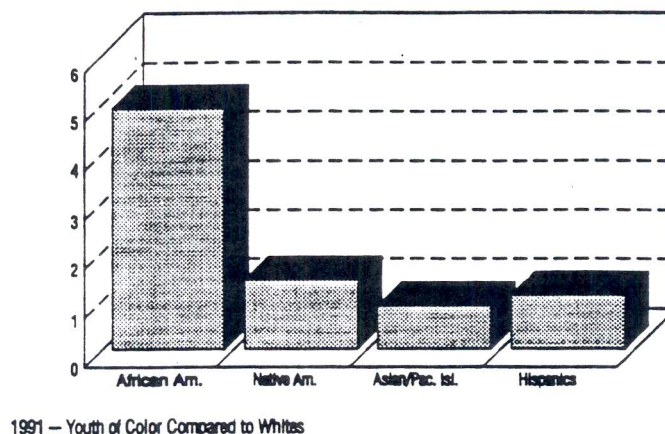
Despite lower arrest rates than whites, youth of color were referred to the juvenile court at *higher* rates than white youth. Compared to whites, youth of color were approximately two times (2.0) more likely to be referred to the court for felonies or misdemeanors. Figure 2.2 shows that African American youth were almost five times (4.9) more likely to be referred than whites; American Indians were approximately one and one-half times (1.4) more likely than whites; while Asians/Pacific Islanders were somewhat less likely than whites (.88 times). Hispanics (Latinos) were only slightly more likely than whites (1.1 times) to be referred to court.¹¹

Counties with the highest rates of disproportionality at referral (see Table 2.2 in Appendix 2) are Adams, King, Pierce, Whatcom, and Spokane. The relative odds of referral for youth of color compared to white youth in these counties were 1.9, 2.9, 1.8, 1.8, and 1.8 respectively. Counties with the lowest rates of disproportionality at referral were Chelan, Clallam, Grays Harbor, Klickitat, Mason, and Walla Walla. The relative odds of referral for youth of color compared to white youth in these counties were .8, .6, .3, .8, .8, and .5

¹⁰ See Note 9.

¹¹ See Note 9.

FIGURE 2.2
COMPARATIVE ODDS OF REFERRAL TO JUVENILE COURT



respectively.

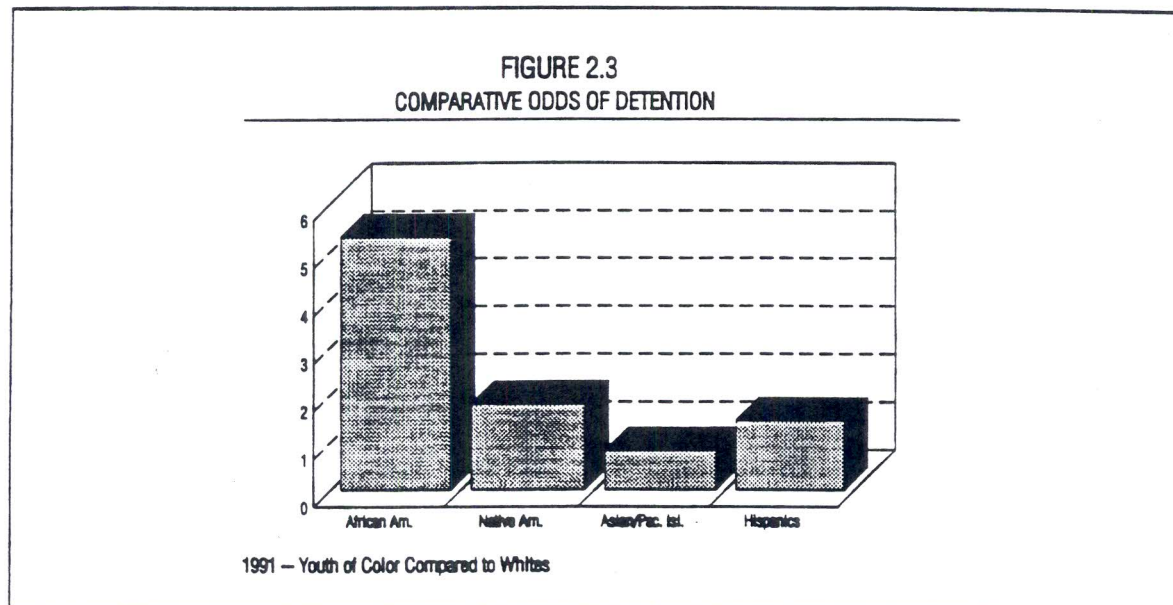
Youth Detained

Among youth detained at some point (more than 24 hours) prior to adjudication in county detention facilities in 1991, youth of color constituted thirty-three percent (33%) of the total population.¹² Approximately sixty-seven percent (67%) of those detained were European American (white), seventeen percent (17%) African American, four percent (4%) Native American and three percent (3%) Asian/Pacific Islander. Approximately eight percent (8%) of the population of youth detained was Hispanic (Latino).¹³

¹² In this context, detention refers to whether a youth was detained for more than one day prior to adjudication for some crime in county detention facilities.

¹³ See Note 9.

In a pattern similar to that observed for referrals, youth of color were detained prior to adjudication at significantly *higher* rates than white youth. Compared to whites, they were approximately twice as likely (2.2 times) to be detained. Figure 2.3 reveals that African-American youth were approximately five (5.3) times more likely to be detained than whites; American Indians were almost twice (1.8 times) as likely to be detained; and Asians/Pacific Islanders less likely than whites (.82 times). Hispanics (Latinos) were approximately one and one-half times (1.45) as likely to be detained as whites.¹⁴



Counties with the highest rates of disproportionality in rates of detention are Adams, Island, King, Kitsap, and Okanogan (Appendix 2). The relative odds of detention for youth of color compared to white youth in these counties were 6.0, 3.0, 4.4, 5.4, and 2.7 respectively.

Counties with the lowest rates of disproportionality were Clallam, Grays Harbor,

¹⁴ See Note 9.

Mason, Stevens and Walla Walla. In each of these counties, the relative odds of confinement for youth of color compared to white youth were .6, 0.0, 0.0, 0.0, and .7 respectively. In counties with the rates of disproportionality at 0.0, no youth of color was referred in 1991.

Youth Diverted

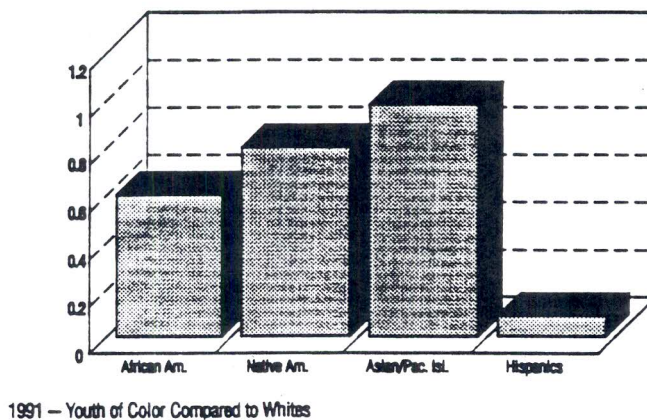
Youth of color constituted twenty-one percent (21%) of the total population of youth diverted in juvenile court proceedings. Approximately eighty-four percent (84%) of those diverted were European American (white), nine percent (9%) African American, two percent (2%) Native American and four percent (4%) Asian/Pacific Islander. Approximately five percent (5%) of youth diverted was Hispanic (Latino).¹⁵

Despite disproportionately high rates of referral, youth of color were diverted from criminal prosecution at lower rates than white youth. ¹⁶Overall, youth of color were less likely than whites (.7 times) to be diverted from prosecution. African-American youth were significantly less likely than whites (.6 times) to be diverted; American Indians and Asians/Pacific Islanders almost as likely as whites to be diverted (.8 and .9 times respectively) -- see Figure 2.4. Hispanics (Latinos) were significantly less likely to be diverted than whites (.09 times). This last finding is particularly surprising, given that

¹⁵ See Note 9.

¹⁶ It is important to note that the rates for diversion presented in this section of the report are based upon the total number of referrals to each juvenile court for the different ethnic groups. Diversion involves a process whereby youth are "removed" from the court system. To ensure that the presentation in the section of the report reflects the extent to which youth of color are more or less likely than whites to have their cases "removed" from the court process, rates of diversion were computed based upon total number of referrals rather than total number of youth in the population. This approach does not in any way distort information being presented on the likelihood of diversion for white youth or youth of color. Rather, it presents the information in a manner consistent with how the process works.

FIGURE 2.4
COMPARATIVE ODDS OF DIVERSION



Hispanic youth have substantially higher rates of referral than whites.¹⁷

Counties in which youth of color have the lowest rates of diversion relative to whites were Clark, Douglas, King, Okanogan, and Yakima (see Table 2.4 in Appendix 2). The relative odds of diversion for youth of color compared to white youth in these counties were .8, .5, .6, .8, and .7 respectively.

Counties with the highest rates of diversion for youth of color compared to whites were Adams, Grant, Grays Harbor, Island, Stevens and Whatcom. In each of these counties, the relative odds of diversion for youth of color compared to white youth were 1.1, 1.1, 1.1, 4.8, 1.2, and 6.5 respectively.

¹⁷ See Note 9.

Youth Prosecuted

Among youth prosecuted for offenses in 1991, youth of color constituted twenty-six percent (26%). Approximately seventy-four percent (74%) of those prosecuted were European American (white), twelve percent (12%) African American, three percent (3%) Native American and three percent (3%) Asian/Pacific Islander. Approximately seven percent (7%) of the population of youth prosecuted was Hispanic (Latino).¹⁸

Youth of color were more likely than whites to be prosecuted -- compared to whites, they were one and one-half (1.5) times more likely to be charged with offenses. Figure 2.5 shows that African- American youth were more than three times (3.3) more likely to be charged than whites; American Indians were slightly more likely (1.3 times) than whites; and Asians/Pacific Islanders less likely than whites to be charged with offenses. Hispanics (Latinos) were only somewhat more likely (1.1 times) to be charged than whites.¹⁹

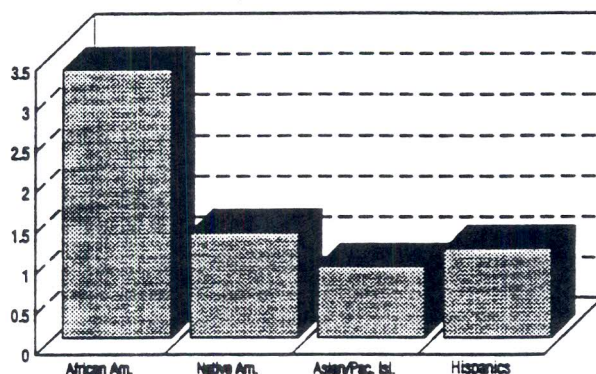
Counties with the highest rates of disproportionality are Adams, Grant, King, Okanogan, and Whatcom (see Table 2.5 in Appendix 2). The relative odds of being prosecuted for youth of color compared to white youth in these counties were 2.0, 1.6, 2.8, 1.6, and 1.6 respectively.

Counties with the lowest rates of disproportionality at prosecution were Clallam, Douglas, Grays Harbor, Skagit and Walla Walla. In each of these counties, the relative odds of youth of color being charged with a crime compared to white youth were .8, .9, .3, .9, and .6 respectively.

¹⁸ See Note 9.

¹⁹ See Note 9.

FIGURE 2.5
COMPARATIVE ODDS OF PROSECUTION



1991 — Youth of Color Compared to Whites

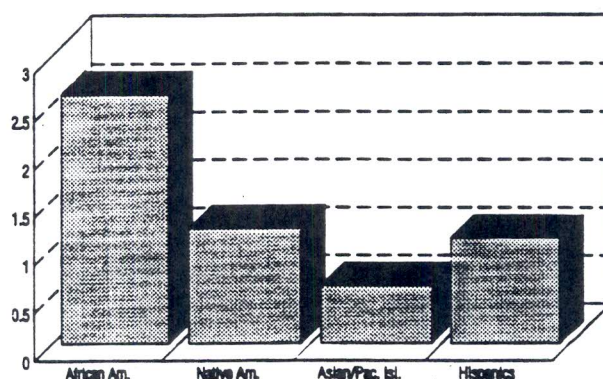
Youth Adjudicated Guilty

Youth of color constituted twenty-three percent (23%) of the total population of youth adjudicated guilty in Washington State. Approximately seventy-seven percent (77%) of those adjudicated guilty were European American (white), ten percent (10%) African American, three percent (3%) Native American and three percent (3%) Asian/Pacific Islander. Approximately seven percent (7%) of the population of youth adjudicated guilty was Hispanic (Latino).²⁰

Youth of color were adjudicated guilty at disproportionately higher rates than whites -- they were nearly one and one-half times (1.3) more likely to be adjudicated. As shown in Figure 2.6, African-American youth were approximately two and one-half times (2.6) times more likely to be adjudicated than whites; American Indians were only slightly more likely than whites (1.2 times); and Asians/Pacific Islanders significantly less than whites (.6 times). Hispanics (Latinos) were almost as equally likely to be adjudicated guilty as whites

²⁰ See Note 9.

FIGURE 2.6
COMPARATIVE ODDS OF BEING ADJUDICATED GUILTY



1991 — Youth of Color Compared to Whites

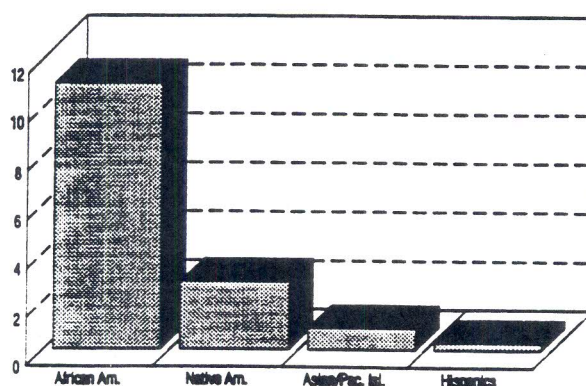
(1.1).²¹

Counties with the highest rates of disproportionality at adjudication were Adams, Grant, King, Okanogan, Whatcom, Franklin, Pierce, Pacific, Yakima and Spokane (see Table 2. 6 in Appendix 2). The relative odds of youth of color being adjudicated guilty compared to white youth in these counties were 2.1, 1.6, 2.8, 1.7, and 1.6 respectively.

Counties with the lowest rates of disproportionality were Chelan, Clallam, Cowlitz, Douglas, Grays Harbor, Mason, and Snohomish. In each of these counties, the relative odds of adjudication (found guilty) for youth of color compared to white youth were .7, .6, .7, .5, .3, .6, and .7 respectively.

²¹ See Note 9.

FIGURE 2.7
COMPARATIVE ODDS OF BEING SENTENCED TO CONFINEMENT



1991 — Youth of Color Compared to Whites

Youth Sentenced to Confinement ²²

Approximately fifty-three percent (53%) of those sentenced to confinement were European American (white), twenty-eight percent (28%) African American, four percent (4%) Native American and three percent (2%) Asian/Pacific Islander. Approximately ten percent (10%) of the population of youth sentenced was Hispanic (Latino).²³

Racial and ethnic disproportionality -- at the state level -- is the most pronounced in sentencing to confinement. On average, youth of color were sentenced to confinement at a rate four times (4) higher than whites. African-American youth were nearly 11 times (10.9) more likely to be sentenced to confinement than whites; American Indians were

²² It is important to stress that the term "confinement" in the present study is used to refer to a sentence to supervision in the Division of Juvenile Rehabilitation. It does not necessarily refer to confinement in a maximum security correctional facility.

²³ See Note 9.

approximately three times (2.8) more likely than whites; and Asians/Pacific Islanders and whites were almost equally likely to be sentenced to confinement (.9). Hispanics (Latinos) were significantly less likely (.3 times) to be sentenced to confinement than whites (see Figure 2.7).²⁴

Counties with the highest rates of disproportionality in sentences to confinement are King, Benton/Franklin, Okanogan, Pierce, and Yakima (see Table 2.7 in Appendix 2). The relative odds of confinement for youth of color compared to white youth in these counties were 5.0, 2.8, 2.7, 2.7, 3.4 respectively.

In 1991, twenty-three counties sentenced no youth of color -- and most of these counties also no white youth -- to confinement. These counties are exhibited in the tables presented in Appendix 2.

Youth Confined

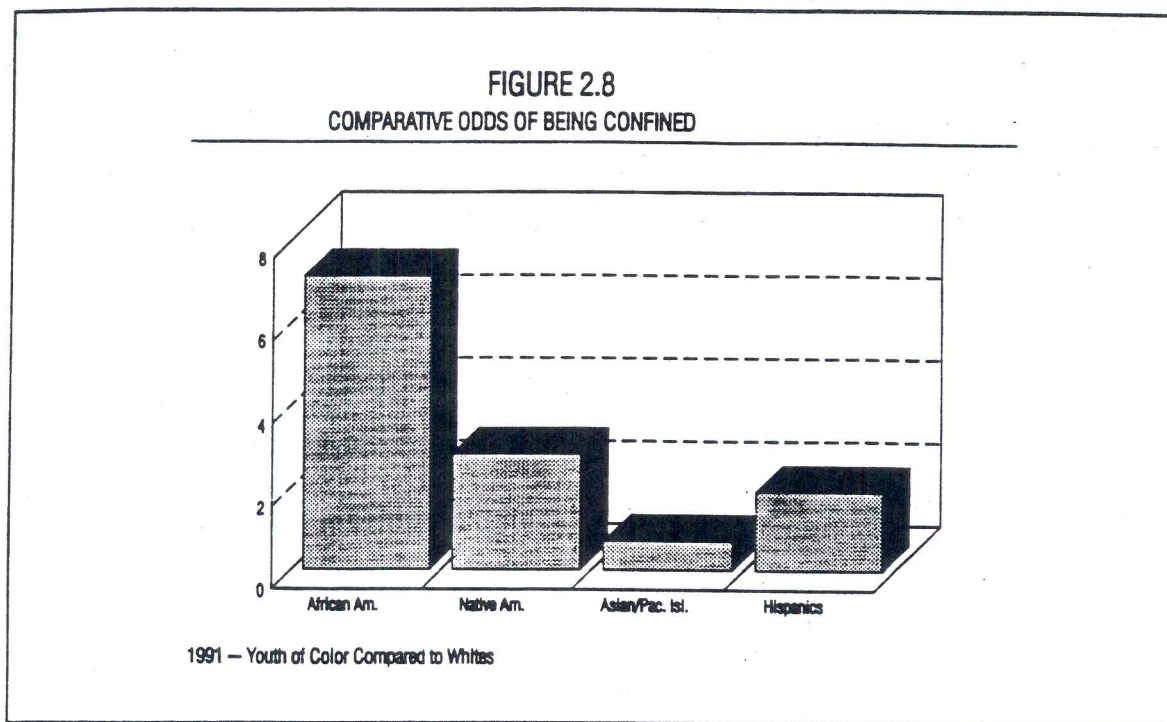
Youth of color constituted thirty-nine percent (39%) of the total population of youth admitted to state (DJR) facilities in 1991. Approximately sixty-one percent (61%) of those confined were European American (white), twenty-one percent (21%) African American, five percent (5%) Native American and three percent (2%) Asian/Pacific Islander. Approximately nine percent (9%) of the population of youth confined was Hispanic (Latino).²⁵

Youth of color were confined at disproportionately high rates compared to whites.

²⁴ See Note 9.

²⁵ See Note 9.

On average, they were approximately three times (2.9) more likely to be confined for



offenses. Figure 2.8 shows that African-American youth were seven times (7.1) more likely to be confined than whites; American Indians were approximately three times (2.8) more likely than whites; and Asians/Pacific Islanders much less likely than whites (.7 times). Hispanics (Latinos) were approximately two times (1.9) as likely to be confined as whites.²⁶

Counties with the highest rates of disproportionality in confinement in statewide facilities are King, Lewis, Pierce, Yakima and the combined counties of Benton and Franklin (see Table 2.8 in Appendix 2). The relative odds of confinement for youth of color compared to white youth in these counties were 5.7, 3.1, 3.8, 3.2, and 2.6 respectively.

²⁶ See Note 9.

Similar to disproportionality at sentencing, numerous counties had levels of disproportionality at 0.0. Among these counties, *no* youth of color -- and in most of the counties, *no* white youth -- were confined to correctional facilities. These counties are exhibited in the tables presented in Appendix 2.

B. Characteristics of Counties Associated with Disproportionality

Important characteristics of counties may assist in explaining racial and ethnic disproportionality. Analyses of these characteristics have examined the demographic composition of each county's juvenile population and changes in the population composition, degree of county urbanization, race-specific rates of arrest for felonies and misdemeanors, the degree of poverty experienced by persons of color relative to whites, the overall county crime rate and recent changes in the crime rate, and the workload of juvenile justice officials. Further, the analyses were repeated for each major stage of processing -- arrest, referral, detention, diversion, prosecution, adjudication, sentencing and confinement.²⁷

This section of the report summarizes the results of the analyses, focusing on the characteristics of counties related to racial and ethnic differences in processing. Tables 2.9.1-2.9.8 in Appendix 2 includes tables reporting the results of the analyses. Four findings are

²⁷ Using multivariate statistical methods, the study identified the characteristics of counties most strongly associated with county differences in the processing of white youth and youth of color. Multivariate regression analyses were used to identify these characteristics. Results of the analyses are reported in Tables presented in Appendix 2.

This statistical method identifies the effects of each factor while simultaneously adjusting for the effects of other factors included in the analysis. For example, the analyses of county differences in rates of diversion examined the effects of county crime rates on diversion, above and beyond the effects of other factors such as the demographic composition of the county, differences in the rates of arrest for white youth and youth of color, and the degree of poverty experienced by persons of color relative to whites.

particularly noteworthy.

Arrests, Rates of Violent Crime, and Chronic Juvenile Offenders

The analysis examined three aspects of crime and crime-related differences across counties. These were county differences in 1) rates of arrest for youth of color and white youth, 2) the overall violent crime rate, and 3) rates of chronic involvement in offenses resulting in referrals for youth of color and white youth.

First, it was anticipated that among the most significant characteristics of counties contributing to racial and ethnic differences in rates of processing in the juvenile court would be differences in the *rates of arrest* between white youth and youth of color. Racial and ethnic differences in arrest may reflect differential involvement in crime, a critical factor in explaining the response of law enforcement and juvenile justice officials to youth of color. However, county differences in arrest rates contributed *very little* to differences in court processing. At virtually *no* stage of juvenile justice processing did racial and ethnic differences across counties in arrest rates cause the pronounced disparities in processing reported in previous sections of this report.

This finding is particularly important. In many counties where youth of color have disproportionately high rates of prosecution, adjudication and sentences to DJR facilities, those youth often have disproportionately *low* rates of arrest. An example may prove useful in clarifying the meaning and significance of this finding. In Yakima county, youth of color are more likely to be prosecuted, adjudicated, and sentenced to a DJR facility than white youth (1.2, 1.7 and 3.2 times respectively). However, youth of color are much less likely than whites (.7 times) to be arrested for offenses. That youth of color are more likely to be prosecuted, adjudicated and sentenced to a correctional facility than whites while being less

likely to be arrested for offenses is surprising. Across all counties, differential minority involvement in crime -- as measured by rates of arrest -- explains none of the county differences in the rates at which youth of color are prosecuted, adjudicated guilty and sentenced for offenses.

A second aspect of county crime patterns expected to influence disproportionality is the *violent crime* rate. County differences in violent crime were expected to influence disproportionality through their effects on disproportionality in rates of arrest. In areas where the violent crime rate is high, youth of color were expected to be more heavily involved in serious and violent offenses, more likely to have high rates of arrest and, therefore, more likely to have disproportionately high rates of confinement upon adjudication.

However, disproportionality is high in counties where the *violent crime rate* is high, independent of county differences in rates of arrest. For example, the violent crime rate in the jurisdiction covering the combined Benton/Franklin counties was *high* (4 violent offenses per 1,000 youth); disproportionality in confinement was *high* (youth of color were three times more likely than whites to be confined for offenses); while disproportionality in arrests was *low* (youth of color were less likely than whites to be arrested for offenses).

In contrast, the violent crime rate in Spokane county was *high* (4 violent offenses per 1,000 youth); disproportionality in confinement was *high* (youth of color were three times more likely than whites to be confined for offenses); and disproportionality in arrests was also *high* (youth of color were nearly two times more likely than whites to be arrested for offenses). Thus, the level of violent crime acts as a context affecting differences between youth of color and white youth in the likelihood of confinement -- regardless of the actual rate at which youth are arrested for crimes.

A third aspect of crime expected to influence disproportionality across counties is

racial and ethnic differences in chronic involvement in crime. It was expected that levels of disproportionality would be high in those counties where youth of color are more heavily involved in offenses resulting in juvenile court referrals. Further, it was expected that in these counties racial and ethnic differences in chronic criminal behavior would foster disproportionality primarily through arrests, sending a disproportionate number of minority youth "through" the juvenile justice system.

Disproportionality is high in those counties where *rates of heavy or "chronic" involvement of youth of color in crime* are high. Youth of color are less likely to be diverted from prosecution, more likely to be prosecuted and more likely to be adjudicated of offenses than whites. However, racial and ethnic differences in rates of chronic involvement in crime are *not* associated with differences in rates of arrest. Counties with high rates of chronic minority involvement in crime typically had low arrest rates for minority youth. Racial and ethnic differences in chronic involvement in crime actually *increase* disproportionality across stages of the juvenile justice system -- in a manner similar to differences among counties in the violent crime rate -- above and beyond the effects of racial and ethnic differences at arrest and referral.

Also, disproportionality at criminal prosecution was significantly higher in counties with a high rate of chronic involvement among youth of color in crime and delinquency. In Okanogan county, where the rate of chronic involvement among youth of color was nearly six times (5.8) greater than the rate for whites, the rate of prosecution among youth of color was approximately one and one-half times greater (1.6 times) than among whites. In contrast, chronic involvement in crime among youth of color in Skagit County was approximately equal to that of whites (1.2 times greater for youth of color) and the rate of prosecution among youth of color was *lower* than the rate for whites (.9 times).

Minority Concentration in the Population

Disparities in the administration of juvenile justice are related to two aspects of population composition. First, disproportionality increases in relation to size of the population of color -- communities with large minority populations experience higher levels of disproportionality than others (e.g. Bridges, Crutchfield and Simpson, 1987). Second, disproportionality increases in relation to change in the population of color -- communities characterized by recent, large increases in minority concentration also experience higher levels of disproportionality. Because these relationships persist above and beyond the effects of county differences in rates of crime and arrest on levels of disproportionality, concentration and change in the population of color may act as a social context affecting differences between youth of color and white youth in the likelihood of confinement -- regardless of the actual rate at which youth are involved in crime, arrested and processed through the juvenile court.

Two examples may prove illustrative. Counties with larger than average populations of persons of color experience higher than average rates of disproportionality in juvenile confinements. In King County, where youth of color are six times (6) more likely than whites to be confined to a DJR facility, persons of color represent fourteen percent (14%) of the total county population. In contrast, persons of color represent approximately three percent (3%) of the total population in Cowlitz county while the rate of confinement for youth of color is only one and one-half times (1.5) as large as the white confinement rate.

Also, disproportionality at diversion was greater in counties which witnessed substantial increases in minority concentration between 1980 and 1990. In Snohomish County, where the minority concentration increased from five percent (5%) to eight percent (8%) between 1980 and 1990 -- a forty-seven percent (47%) increase over the ten year

period -- youth of color were almost equally likely (.9 times) as whites to be diverted from prosecution. In contrast, while minority concentration in Stevens county between 1980 and 1990 increased approximately 15 percent (15%), youth of color were approximately 1.2 times *more* likely than whites to be diverted.

Urbanization

Disproportionality also increases in relation to concentration of populations in urban areas -- counties which are heavily urbanized experience higher levels of disproportionality than those less urbanized. In a manner similar to minority concentration, these relationships persist above and beyond the effects of county differences in rates of crime and chronic involvement of minority *and* white youth in prior offenses. Thus, urbanization may represent another social context affecting the likelihood of differential processing of youth in the administration of juvenile justice.

The urban concentration of counties increases disproportionality at two stages of the juvenile justice system. First, minority youth are more likely to be arrested for offenses in heavily urbanized counties than whites, regardless of the overall crime rate and levels of chronic offending by white youth and youth of color. For example, youth of color in Spokane County, a heavily urbanized county with eighty-four percent (84%) of its population in the urban center of Spokane, were substantially *more* likely (1.7 times) than whites to be arrested for offenses. In contrast, youth of color in Mason County, a county where approximately nineteen percent (19%) of the county population lies within an urban center (Shelton), were approximately .7 times *less* likely than whites to be arrested for offenses.

Second, white youth are less likely to be confined for offenses in correctional facilities in heavily urbanized counties than whites. In Pierce County, where white youth

are approximately four times (3.8) *less* likely than youth of color to be confined to a DJR facility, eighty-seven percent (87%) of the total population lies within the urban center of Greater Tacoma. In contrast, white youth in Klickitat County, where nineteen percent (19%) of the total population lies within an urban center, are approximately two times (1.7) more likely than youth of color to be confined to a DJR facility.

It would be erroneous to conclude from any of the findings reported in this section alone that *unwarranted* disproportionality or racial and ethnic discrimination is pervasive in the administration of juvenile justice in Washington State. Many factors may contribute to disproportionality in the administration of juvenile justice. For example, differences in crime may contribute to levels of disproportionality. If youth of color are much more heavily involved in serious and violent offenses, they are likely to experience disproportionately high rates of referral, prosecution, and confinement relative to whites.

Because counties differ significantly in such factors as population composition and crime, one would also be mistaken in drawing conclusions from these data about the "fairness" of treatment of youth in the administration of juvenile justice within any county. As with the state as a whole, many factors may contribute to disproportionality and until these factors are considered in analyses of disproportionality, no conclusions may be drawn about its definitive causes at the county level.

Four findings from this part of the study are particularly noteworthy. First, racial and ethnic disproportionality is pervasive across all stages of the juvenile justice process. Youth of color are more likely to be arrested, detained, prosecuted, adjudicated, and confined in juvenile correctional facilities than whites and than would be expected given their numbers in the population. Further, they are less likely to be diverted from prosecution when referred to the juvenile court for offenses.

Second, disparities in processing between white youth and youth of color cumulate across stages such that the disparities at confinement are significantly greater than disparities at the earliest stages of the administration of juvenile justice. In effect, the differences between youth of color and whites in the outcomes of juvenile justice decisions seem, at the county level, to become increasingly more pronounced at each successive stage of the process. The process of cumulated effects of disparity may begin at referral. The comments of one community leader interviewed over the course of the project described the process for minority youth as follows:

"Once a minority kid starts getting a record and doesn't find ways to get that record reversed through some reconciliation with the police, that record becomes an anchor. The record gets long and pretty soon the youth gets put in the "incurable" category."

The implication here is that youth of color are "labeled" at early points in the juvenile justice process and that this label influences the outcomes of police/youth interactions in the future.

Third, there exist no individual counties in which disparities are pronounced across all stages of the administration of juvenile justice. Typically, disproportionality within any county is most pronounced at one or two stages -- for example, prosecution and adjudication or detention and diversion. This has clear implications for the development of remedies to disproportionality. The remedies must be tailored to the specific problems within individual counties.

Fourth, disproportionality at the county level is most consistently and strongly related to the concentration and growth of youth of color in counties, the degree of urbanization and levels of violent crime and chronic juvenile offending. *Counties with larger than average concentrations of youth of color, counties with a larger than average*

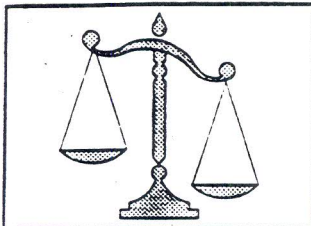
proportion of their population in urban areas, counties with a higher than average violent crime rate and higher than average rates of chronic juvenile involvement in crime experience significantly higher levels of disproportionality than others.

Disproportionality in these counties, however, is neither caused nor explained by a higher number of youth of color getting arrested. County characteristics such as the minority concentration or changes in the demographic composition of counties represent aspects of the social context in which juvenile justice is administered that may affect, either directly or inadvertently, decisions made about youth processed through the juvenile court. Officials in areas experiencing dramatic growth or change in the population -- particularly where the changes involved increased numbers of youth -- may be more concerned about community crime and threats to community order and may therefore encourage stricter enforcement of laws regulating the behavior of youth.

The next section of this report examines the processing of a sample of individual cases in six juvenile courts in an effort to identify more effectively how racial and ethnic differences in cases influence the outcomes of juvenile justice proceedings.

III. DISPROPORTIONALITY IN THE PROCESSING OF INDIVIDUAL CASES

A. Background



The second component of the project compared the case processing of individual cases at each major step or level in the juvenile justice system in six selected counties (King, Pierce, Snohomish, Kitsap, Yakima, and Spokane). The analyses focused on factors in the backgrounds and current offenses influencing the outcomes of cases processed in the juvenile court. They examined the precise effects of race/ethnicity on case dispositions, above and beyond the effects of case characteristics, prior criminal history and other legally-relevant factors.²⁸

The following questions guided the analyses of the data:

- At which stages of the juvenile justice process are racial/ethnic disparities in treatment most likely to occur?
- Are youth of color more likely than whites to be *detained* from juvenile court proceedings ?
- Are youth of color more likely than whites to be *diverted* from juvenile court proceedings ?
- Are youth of color more likely than whites to be *prosecuted* for juvenile offenses?
- Are youth of color more likely than whites to be *adjudicated* and found guilty to offenses?
- Are youth of color more likely than whites to receive more severe *sentences* following adjudication?
- Are youth of color more likely than whites to serve a longer portion of their

²⁸ The analytic method used in the project was logistic regression. The advantage of this approach is that it permits analyses of dichotomous dependent variables, statistical interactions, and the simultaneous control of multiple independent variables. See Appendix 1.

sentence in confinement than white youth?, and

-Which other characteristics of cases, apart from race/ethnicity, influence the outcomes and dispositions of cases involving youth?

B. Disproportionality in the Processing of Individual Cases

In Washington State, juveniles accused of offenses are processed through a system of juvenile justice administered at the county level.²⁹ Although there exist a few exceptions, most counties operate their own juvenile court with at least one special prosecutor designated for prosecuting cases involving juveniles and at least one judge designated for hearing and deciding juvenile and family matters.³⁰ Further, each court has its own administrative staff. Approximately one-half (18) of Washington's juvenile courts have detention facilities. County and state funds support the operation and administration of each juvenile court.

The administration of juvenile justice in Washington State involves a sequence of stages or critical points in the processing of youth. With the exception of the first stage, there exist different possible outcomes at each stage in the processing of any case.

Youth accused of offenses are, upon arrest or citation by police, referred to the juvenile court or the juvenile unit of the county prosecutor. Typically, youth arrested are taken by police to the juvenile court, initially processed, and then either detained in the

²⁹ See note 5.

³⁰ A few counties in Washington State share juvenile justice facilities and courts. In the present study, these counties have been treated as one -- that is, cases have been combined across counties with a single, shared jurisdiction in the juvenile court. Further, information on county characteristics has been combined in a manner that reflects the combined "jurisdiction" composition.

Cases involving juvenile offenses referred to the court or prosecutor are subsequently

1) referred to diversion, 2) prosecuted as juvenile offenses, 3) considered by the court for declination and transfer to adult court, or 4) dropped by the prosecutor, with no charges being filed. Each of these possible outcomes has implications for subsequent decisions made about cases:

-Among cases referred to *diversion*, the case may either be accepted for diversion and formally diverted from subsequent legal proceedings or returned to the court for prosecution.³¹ Further, cases in which youth do not successfully complete the terms of diversion are returned for prosecution.

-Among cases in which *charges are filed*, the cases may be 1) adjudicated and found guilty, 2) adjudicated and found not guilty, or 3) dismissed by the court as meritless.

-Cases evaluated for *declination and transfer* to the adult court are reviewed in "decline" hearings, and either remanded to adult court or returned to juvenile court for adjudication.

-Cases in which the prosecutor files no charges typically are not considered in subsequent legal actions.

In cases adjudicated, the court establishes guilt or innocence of the accused either by accepting a guilty plea or by establishing guilt from facts presented in the adjudication hearing. Finally, among those cases adjudicated and found guilty, youth are sentenced according to guidelines established under RCW 13.40.0357 -- the presumptive sentencing standards for youth adjudicated of juvenile offenses.

While there may exist in any individual county more steps than those exhibited in

³¹ Diversion is handled differently in Washington counties. In some counties, the prosecutor handles the diversion of cases while in other counties the juvenile court maintains its own diversion unit. In most counties, however, referrals to diversion are evaluated by community conference committees -- groups of community volunteers which review diversion agreements. Conference committees may reject individual youth for diversion, returning to the juvenile court for prosecution.

this figure, the general flow of cases from arrest to disposition represents a framework common to all counties. For example, in some counties decisions regarding detention are made prior to charging -- that is, at pre-arraignment hearings -- while in other counties detention decisions are made at the same time youth are formally charged with offenses.

C. Factors Affecting Dispositions

A major concern of the study is whether the disparities observed across Washington counties (reported in Chapter II) are attributable to the characteristics of juvenile cases, other than youths' race or ethnicity. It is possible, for example, that disparities at prosecution or sentencing occur because youth of color typically have more extensive criminal histories or commit more serious types of crime, and thereby warrant more aggressive prosecution for the more serious offenses and more severe punishment following adjudication.

The remaining parts of this section summarize the results of statistical analyses of factors influencing the outcomes of cases at the following six disposition points in the administration juvenile justice:

- Pre-adjudication Detention,*
- Diversion,*
- Prosecution,*
- Adjudication,*
- Sentencing, and*
- Confinement.*

Although processing decisions made at earlier points in the administration of juvenile justice -- that is, arrest/citation and referral -- may influence the likelihood of racial and ethnic disproportionality at subsequent points and represent areas of significant public concern, consideration of factors influencing case outcomes at these earlier points was

beyond the scope of the present study.³²

The analysis examined the role of race and ethnicity in conjunction with several legally-relevant factors. Among the factors considered were:

- Type and severity of offense at referral, prosecution, and adjudication,*
- Whether the offense involved the use of weapons,*
- Age of youth,*
- Prior record of diversions,*
- Prior record of juvenile offenses,*
- Whether the youth was detained prior to adjudication and the length of detention,*
- Total points for the instant offense,*
- Family characteristics,*
- Whether the youth retained private counsel,*
- Whether the offense was designated by court officials as "gang-related", and*
- The county in which the case was processed.*

Of course, factors other than these may influence the outcomes of legal proceedings. Among the most important of these is the quality and sufficiency of evidence regarding the commission of the offense and guilt of the accused. However, no empirical data on either the quality or the sufficiency of evidence was available for the analysis. In many of the cases, there was extremely little information on the quality or types of evidence used in

³² It was not possible to include an examination of arrest or referral practices in the present study. to do so would have required a critical examination of police procedures across the state, a task that would have required more resources that were available for the present study.

cases.

The results of the analyses are exhibited in Tables 3.1-3-13. in Appendix 3. within each table two models are presented. the first ("Basic Model") includes no social variables while the second ("Social Model") includes information on the youth's school attendance and family structure.

Detention

For the state as a whole, youth of color were detained prior to adjudication in 1991 at substantially higher rates than white youth. Further, disproportionality in pre-adjudication detention was greatest for African American youth. Of concern is whether race or ethnicity influences the likelihood of detention, once adjustments among individuals processed through the juvenile court are made with respect to the seriousness of their crimes, their prior criminal records and their social backgrounds.

Subsection two of RCW 13.40.040 states:

"A juvenile may not be held in detention unless there is probable cause to believe that:

(a) The juvenile has committed an offense or has violated the terms of a disposition order; and

(i) The juvenile will likely fail to appear for further proceedings; or

**(ii) Detention is required to protect the juvenile from himself or herself;
or**

(iii) The juvenile is a likely threat to community safety; or

(iv) The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or

**(v) The juvenile has committed a crime while another case was pending,
or**

(b) The juvenile is a fugitive from justice, or

- (c) The juvenile's parole has been suspended or modified; or
- (d) the juvenile is a material witness."

Racial and ethnic disparities in pre-adjudication detention would be expected if youth of color represent higher risks than white youth across any of the categories (a) (i) - (a) (v), (b), (c), or (d). If, however, youth of color represent no greater risks than white youth across these categories, then disparities in detention would be unwarranted and unexplained by legally relevant factors. Such disparities would be particularly problematic because youth who are detained typically are less capable of mounting an effective legal defense and, perhaps as a result, are more likely to be adjudicated and sentenced to confinement.

The analysis examined the role of race and ethnicity in the likelihood of two aspects of pre-adjudication detention. The analyses initially examined factors associated with whether any youth was detained in conjunction with any individual referral for more than *twenty-four hours*. This analysis was then repeated, examining factors associated with whether youth were detained for more than *one week* in conjunction with a referral. Both analyses were repeated across major racial and ethnic groups (see Tables 3.1, 3.2 in Appendix 3).

Two findings from this analysis are noteworthy. First, youth of color who are older - - regardless of the seriousness of the offense they committed, their prior record of referrals, or the county in which they are charged -- are significantly *more* likely than white youth to be detained pre-adjudication. This pattern was particularly evident among African-American youth. Second, no significant racial or ethnic differences persist when the longest periods of detention are considered.

Many "extra-legal" factors may assist in explaining differences in rates of detention between youth of color and white youth. Many of the officials and community leaders who

were interviewed in conjunction with this project (see Chapter IV, PERCEPTIONS AND KNOWLEDGE ABOUT DISPROPORTIONALITY AND ITS CAUSES) suggested that factors related to social and family backgrounds contribute to the likelihood of detention. For example, single parents may be less able, given the difficulties of simultaneously managing home and work, to be an advocate for their child and assure juvenile court officials that he or she will attend subsequent hearings and proceedings. If youth of color are more likely to be from single-parent families, they may be more likely under these circumstances to be detained prior to adjudication.

The analysis of factors associated with detention were repeated, allowing for the inclusion numerous family and social background characteristics. These additional analyses yielded two very important findings. Regardless of race or ethnicity, youth who are attending school at the time of referral are significantly *less* likely to be detained pre-adjudication. This finding is particularly significant because youth of color have significantly higher rates of school drop-out than white youth.³³ Youth of color would be expected to have detention rates higher than white youth committing similar offenses due solely to differences in rates of school attendance and drop-out.

Also, youth whose families attend any hearings related to juvenile cases, demonstrating involvement in their daughter's or son's juvenile case and its disposition, are significantly *less* likely to be detained pre-adjudication. The importance of this factor is equally problematic for many minority youth. A larger share of minority youth referred to the juvenile court for offenses than white youth live in single-parent households. To the

³³ Whereas approximately six percent (6%) of white high school students across Washington State drop-out, nearly fourteen percent (14%) of African American youth, eleven percent (11%) of Hispanic youth and eleven percent (11%) of Native American youth drop out. See Juvenile Justice Section, Department of Social and Health Services, Governor's Juvenile Justice Committee Report: 1991.

extent that single parents are less able to attend court proceedings given other commitments of family supervision and employment, they may be less likely to demonstrate to the court their involvement and concern in the supervision of their sons or daughters. Under these circumstances, youth of color would be expected to have detention rates higher than white youth committing similar offenses due solely to differences in the ability of parents to participate actively in juvenile court proceedings.

In sum, differences between white youth and youth of color in rates of pre-adjudication detention contribute to the disproportionality observed at the state level. Youth of color who are older are more likely to be detained than white youth, *even in similarly situated cases*. Thus, the relatively high rates of detention for youth of color relative to whites witnessed in 1991 at the state level occurred in part because youth of color typically experience differential treatment in detention decisions. This differential treatment may be closely related to lower levels of family participation in juvenile court proceedings and rates of school attendance among minority youth relative to whites.

However, differences in treatment may also be related to the views and policies of juvenile justice officials. A view expressed by one official interviewed in the project reflected a sentiment quite common among those employed in the administration of juvenile justice, a sentiment favoring the detention and disparate treatment for some minorities. Expressing acute frustration over the many problems of minority youth handled by the juvenile court, this official saw disproportionality at detention as a potentially positive experience for some:

"... And do you know, the other thing I think about disproportionality in juvenile courts? I think it's good. I think you would be surprised at how many kids commit crimes to get back in (to detention) ... O.K. one can blame, say, 'well you've institutionalized these kids.' There's another point of view. This is the only damned place they get something. ... There is no other place. ... School ... I think good of limits, which I think kids desperately need ... safety ... in many cases people who

care about them ... and that's what I telling you about, what the shame, the kid goes back out and loses all that, when there isn't any other place like it. I think you, I think , you, I'm sorry -- I think that folks are kidding themselves. I think you have a view of something that is potentially -- I'm not talking just about black kids -- I'm talking about all the kids that sometimes come in here, I'm talking about kids who don't have a hell of a lot going for them. I'm talking about kids who, who really come from ah ... totally dysfunctional situations, o.k?

Other officials expressed similar views. One judge felt that nothing but detention can be used to ensure appearance at subsequent court proceedings with those youth -- many of whom are minorities -- who have no families or relatives in the immediate area.

Diversion

In 1991, youth of color in Washington State referred to juvenile courts were diverted from criminal prosecution at lower rates than white youth. While the rates of diversion vary by racial and ethnic group, African American and Hispanic (Latino) youth were least likely to be diverted from prosecution when compared to white youth. Such disparities in diversion can have significant implications for the subsequent processing of youth by the juvenile court. Substantial disparities in processing at subsequent stages of the administration of juvenile justice -- for example, prosecution, adjudication and sentencing -- would be expected if youth of color are *less* likely than white youth to have their cases diverted from formal prosecution. Because diversion has the effect of fully removing cases from subsequent legal processing -- unless the terms of the diversion agreement are violated -- white youth would avoid the prospect of prosecution and the likelihood of having a adjudication on their criminal record.

Disparities in the subsequent processing of cases might also be expected if youth of color are *more* likely than white youth to be diverted from formal prosecution. If prosecutors or other court officials refer cases involving youth of color to diversion while filing no charges in similarly situated cases involving whites, youth of color would be *less* likely to

avoid prosecution than whites for subsequent offenses. Title 13.40.070 of the Revised Code of Washington states:

"(5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if: ...

(d) An alleged offender has three or more diversions within eighteen months of the current alleged offense."

Thus, the statute provides that youth with records of prior diversions are more likely to be prosecuted for subsequent offenses than youth with no record of diversions or other legal action. Racial and ethnic disparities would emerge in the processing of subsequent juvenile offenses in the event that cases involving youth of color were diverted while prosecutors file no charges in cases involving white youth.

In order to ascertain whether race or ethnicity are important factors in the practice of diversion, the analysis evaluated the role of race and ethnicity in the diversion of cases from prosecution and in those cases where the prosecutor filed no charges.³⁴ Analyses were

³⁴ A concern in this part of the analysis is whether there is sufficient evidence that no charges had been or would be filed. A related concern is whether sufficient time had elapsed since the date of referral in cases for us to establish whether no charges had been or would be filed. Case files were carefully examined to make these determinations.

At least two sources of concrete information were available for this purpose. First, the prosecutor in some counties mails a letter to the parents of youth informing them that a formal decision to file no charges had been made. Copies of these letters were often retained in youths' social files. Second, files were examined, including juvenile court automated files, to ascertain whether any legal actions were pending in cases. If there were any pending legal actions, those actions were coded on the records used in the analysis. A determination of "no charges filed" was made only if there was no evidence of a letter to parents, no evidence of pending legal action, and ample time (usually one year) between the original referral and the date of coding.

The analysis also examined the role of race and ethnicity in cases where the court dismissed charges against the accused. The results of these analyses were nearly identical to those where the prosecutor filed no charges.

performed across major racial and ethnic groups.

Six findings from this analysis are particularly important (see Tables 3.3, 3.4 in Appendix 3). First, youth of color with any prior record of referrals to the juvenile court are significantly *less* likely to be referred for diversion than other youth. This pattern holds even following adjustment for differences among youth of color and whites in the type of instant offense, record of prior detentions, and additional legally relevant factors (see tables presented in Appendix 3). ³⁵ Second, this pattern is most pronounced in Spokane County -- youth of color, and particularly African-American youth, have a significantly *lower* likelihood of diversion than whites. This is *not* attributable to differences in the types of offenses, prior records, or detention histories of youth.

Third, youth of color with prior records of diversions from prosecution are significantly *more* likely to be referred for diversion on subsequent charges than whites. This finding is not necessarily inconsistent with the first finding reported above. While youth of color with any prior record of *referrals* are, on average, less likely to be referred for diversion than others, once they have been diverted they are more likely than other youth to be diverted for subsequent offenses.

Fourth, cases involving youth of color are significantly *less* likely to have no charges filed (see Table 3.4 in Appendix 3). For similarly situated offenders, youth of color are much less likely than white youth to have no charges filed against them following referral.

Fifth, a point of contrast is observed in Spokane county -- youth of color are substantially *more* likely than white youth to have no charges filed than white youth. Finally, youth of color with prior records of diversion are substantially less likely to have no charges

³⁵ In a manner similar to detention, the analysis of factors associated with diversion were repeated, allowing for the inclusion family and social background characteristics. These additional analyses yielded no significantly different findings.

filed than any other group.

In sum, differences in the rates of diversion of white youth and youth of color contribute to the disproportionality at the state level. Youth of color with any prior record of referrals are less likely to have their cases referred to diversion, *even in similarly situated cases*. The low rates of diversion for youth of color relative to white youth across the state in 1991 occurred in part because youth of color typically have higher rates of prior referrals and are, as a result, *less* likely to be referred for diversion than whites.

A matter aggravating the problems of youth of color at this stage of the administration of juvenile justice seems to be that while some minority youth may receive diversion, similarly situated white youth may be more likely to receive, in lieu of diversion or prosecution, a disposition of *no* charges filed. In this circumstance, even with the diversion of their cases from prosecution, youth of color become more vulnerable to prosecution for subsequent referrals because they retain the record of a prior diversion. The potential advantage of diversion is lost for minority youth when compared to whites because of the apparent differential advantage afforded whites.

One youth worker described the process by which youth of color may get involved in crime, develop a record and begin a cycle of involvement with the juvenile justice system that becomes increasingly serious over time:

For our Hispanic kids there is no youth center where they can grow in the arts, grow in the dance and learn about their culture where they can just kill time.

A lot of times, its starts out as fun, then before you know it, somebody in the group has talked about 'Let's break a window. Let's get some beer,' They do it and the rest follow. And then when one gets caught, they all get caught and that's when they enter the cycle. Their name gets put on a record. so now they have a record. the second time, it gets harder and harder.

Among white youth, there is a much smaller likelihood that this cycle will develop simply

because they are less likely to be prosecuted for their crimes.

Prosecution

Youth of color were more likely than whites in 1991 to be prosecuted for offenses. In particular, African American youth were more than three times more likely -- at the state level -- to be charged than whites. A major concern in the present study is whether *individual* youth of color are more likely to be prosecuted for offenses than white youth. Disproportionality at prosecution may have significant effects on disproportionality at subsequent stages of the administration of juvenile justice. For example, disparities in confinement would be expected if youth of color are more likely than white youth to be charged by county prosecutors with serious or violent offenses.

The analysis examined the role of race and ethnicity in three aspects of charging decisions. The analyses initially examined factors associated with whether any youth was charged for any juvenile offense. The analysis then examined factors associated with 1) whether youth were charged with felony offenses, and 2) whether they were charged with violent offenses. The three analyses were repeated across major racial and ethnic groups (see Tables 3.5-3.7 in Appendix 3)

The analysis of prosecution yielded three major findings. First, youth of color with records of prior referrals to the juvenile court are *more* likely than whites to be charged with an offense, even after other legally relevant differences between cases are taken into account. This practice is most likely to occur in the prosecution of misdemeanors. Second, youth of color -- particularly Hispanic youth -- with prior records of diversion are significantly *less* likely to be prosecuted than whites. Thus, while youth of color with any prior record of referrals are, on average, more likely to be prosecuted than whites, once they have been diverted they are more likely than white youth to be diverted for subsequent

offenses. Third, youth who are detained prior to adjudication are much more likely, regardless of race or ethnicity, to be charged with crimes than youth who are not detained.³⁶

The last of these findings warrants additional discussion. That youth who are detained prior to adjudication are more likely to be charged with offenses, even following adjustment for differences in the seriousness of their offenses at arrest and prior records of referral, is particularly problematic for youth of color because they are much more likely than white youth to be detained (see discussion of *Detention* above). Thus, racial and ethnic disparities in prosecution will occur inadvertently due to the critical influence of detention experience on the likelihood of prosecution. Further, these disparities will cumulate across subsequent stages of the administration of juvenile justice if detention experience is equally influential to case outcomes at those stages.

Thus, the high rates of prosecution of youth of color relative to whites across the state in 1991 occurred in part due to prosecutorial practices that seem to accord differential treatment to youth of color with prior records of juvenile court referral and to youth who are detained prior to adjudication, many of whom are racial and ethnic minorities. However, it would be erroneous to conclude from this evidence that prosecutors deliberately target minority youth for prosecution. In every county, prosecutors expressed sensitivity to the problems of minority youth and stated vehemently that offenses were reviewed and charged solely based upon the sufficiency of the evidence in each case.

Interviews with juvenile justice officials, youth and defense attorneys suggest, however, that there may exist different standards of prosecution for minority youth and whites. Uniformly, prosecutors stated that they only prosecute cases they receive from

³⁶ The analysis of factors associated with prosecution were repeated, allowing for the inclusion family and social background characteristics. These additional analyses yielded no significantly different findings.

police and that they are not selective about the race of the accused. However, one defense attorney with extensive experience defending youth charged with juvenile offenses felt that: "many officials have a feeling that black kids want to be in gangs, more than whites." The attorney maintained that in her community, law enforcement officers and prosecutors have developed a practice of identifying these children and then prosecuting them for anything that comes up, whatsoever, including "spitting on the ground." Discussions with police officers confirmed the occurrence of this approach to law enforcement, particularly when youth are disrespectful. One officer stated that when youth are disrespectful, as he felt many minority youth are, "you cite them for anything."

Further, prosecutors and other law enforcement officials in many counties adopt the practice of charging offenses based primarily on the criterion of legal sufficiency -- if the elements of an offense are present then the prosecutor files appropriate charges, regardless of the severity of the offense. Further, most argued that this approach to prosecution is the only means, given current statutorily prescribed penalties, to obtain appropriately severe punishments for youth expected to commit subsequent offenses. One prosecutor stated that "the juvenile justice system (in terms of penalties) is a joke" and that the only way to ensure that young offenders received severe penalties was to "build criminal histories" by prosecuting *all* offenses aggressively, regardless of their severity. He implied that by "building criminal histories," youth who commit subsequent crimes will receive more severe punishment upon subsequent adjudication.

When coupled with police practices that focus on minority youth defined as problematic, however, this approach to prosecution may result in charges that are, by any reasonable standard, *trivial*, and have the effect of labelling minority youth as problematic or "criminal." Some illustrations may prove useful. In one urban community, an African-

American boy, 14 years old, was prosecuted for the "Malicious Destruction of Kraft Squeeze Cheese" (quoting from the information filed in juvenile court). Having forgotten his money, the boy had dropped the tube of cheese he intended to buy at the grocery store. The store owner called the police when the boy left the store without paying. This case was later dismissed as part of a plea agreement. The boy plead guilty to another offense few weeks later -- a fourth degree assault involving an instance when he had struck a white youth who had called him "nigger." The boy had no prior record of problems with the police or juvenile court. In the same community, a minority girl was charged with malicious mischief for squeezing a Twinkie in its package in another grocery store. In both cases, the prosecutor chose to file charges rather than divert or drop the cases outright.

Adjudication

Across the state in 1991, youth of color were adjudicated for offenses at disproportionately higher rates than whites. While African American youth were more than twice as likely to be adjudicated as whites, other minority youth were only slightly more likely than whites to be adjudicated (see Chapter II). In most juvenile cases, adjudication is established through guilty pleas, with the majority of youth adjudicated by pleading guilty to offenses. Based upon the study sample data, nearly *ninety percent (90%)* of all cases are adjudicated guilty through guilty pleas.

A concern in the present study is whether *individual* youth of color are more likely than white youth to be adjudicated guilty for offenses, once differences in their backgrounds and the seriousness of their crimes are taken into account. Substantial disproportionality at adjudication will have effect on the likelihood and severity of penalties imposed on youth. Obviously, significant disparities in confinement would be expected if youth of color are more likely than white youth to be adjudicated guilty in cases involving serious or violent

offenses.

The analysis examined the role of race and ethnicity in four aspects of adjudication. The first of these was whether any youth was adjudicated guilty. Of concern here was whether youth of color are more or less likely to be adjudicated guilty than whites. The analysis also examined factors associated with whether youth, as the result of pleading guilty, received significant reductions in 1) the number or 2) the severity of charges at adjudication. Finally, the analysis considered the dismissal of charges by the court -- that is, whether the court dismissed charges against youth prior to adjudication.

Three findings were noteworthy in the analysis of adjudication (see Tables 3.8 and 3.9 in Appendix 3). First, youth of color are *more* likely than whites to be adjudicated guilty of offenses, even after other legally relevant differences between cases are taken into account. Second, youth of color with prior records of diversion are significantly *more* likely to be adjudicated guilty than whites. Unlike the pattern observed in the prosecution of youth, this finding suggests that any record of formal processing past referral increases the likelihood of adjudication on subsequent offenses. Third, youth who are detained prior to adjudication are much more likely, regardless of race or ethnicity, to be adjudicated guilty than youth who are not detained.

As in the analyses of prosecution, the importance of detention prior to adjudication must not be understated. Racial and ethnic disparities in adjudication will occur due to the critical influence of detention experience on the likelihood of adjudication. Further, these disparities will cumulate and result in even greater disparities at confinement.

The analyses also examined charge reduction associated the use of plea negotiation in the adjudication of cases. The concern motivating this part of the analysis is whether youth of color, compared to white youth, are more or less disadvantaged in the negotiation

of guilty pleas. In the analysis, charges at filing were compared with charges at adjudication in an effort to ascertain whether reductions in the severity or number of charges occurred. Disparities at subsequent stages of the administration of juvenile justice -- for example, sentencing and confinement -- would be expected if youth of color were less likely than whites to receive significant reduction in the severity or number of charges at adjudication.

No significant differences were observed between youth of color or white youth in the likelihood of charge reductions, once adjustments had been made in other legally relevant factors. However, whether the accused had any prior history of referrals was among the factors most influential in determining the likelihood of charge reductions. Juveniles with prior referrals were much *less* likely, regardless of race or ethnicity, to receive reductions in the severity of the charges initially filed against them. To the extent that youth of color are more likely to have records of prior referrals they are less likely to receive reduced charges in conjunction with pleading guilty (see discussion under *Youth Referred to the Juvenile Court* in Chapter II).³⁷

In contrast, significant differences existed between youth of color and white youth in the dismissal of charges. Youth of color, particularly *girls* and *those with prior records of diversion*, were significantly less likely than white youth, to have the charges filed against them dismissed by the court.

³⁷ In contrast, the analyses also found that youth with prior records of diversion were *more* likely to receive reductions in the severity of charges in conjunction with guilty pleas. Because youth of color in the sample and on a statewide basis were, on average, more likely to have their cases diverted from prosecution than white youth (see discussions under *Diversion* in Chapter 2 and in this Chapter), they actually may have been *more* likely than similarly situated white youth to receive reductions in the severity of the charges initially filed when pleading guilty. The tables presenting these findings are not included in Appendix 3 but are available on request from the author. Their omission was accidental and occurred at the time of printing.

In sum, disparities in the rates of adjudication of youth of color relative to whites reflect the influence of race on the likelihood of adjudication. That youth of color, particularly those with prior records, were more likely than similarly situated white youth to be adjudicated guilty implies that the process of adjudication places youth of color at a significant disadvantage. Equally problematic is the finding that youth who are detained prior to adjudication are much more likely to be adjudicated guilty than other youth. These differences occur primarily because white youth and youth not detained prior to adjudication were significantly more likely than youth of color to have the charges filed against them dismissed by the court.

Sentencing

Racial and ethnic disproportionality in the administration of juvenile justice -- at the state level -- is most pronounced at sentencing. As noted earlier in this chapter, youth of color in 1991 were sentenced to confinement at a rate four times higher than whites. This pattern is particularly problematic because a primary purpose of the Juvenile Justice Reform Act of 1977, which established presumptive sentencing and uniform sentencing guidelines for juveniles, was to remedy inequality in the imposition of punishments for youth. With the sentencing guidelines, disparities in the sentencing of youth of color and white youth should not typically occur unless there are substantial differences in the types of offenses at adjudication, youths' ages or their prior records as juvenile offenders. That youth of color are sentenced to confinement at substantially higher rates than white youth, raises the prospect of racial bias in the application of provisions of the Juvenile Justice Reform Act.

The analysis of disparities at sentencing examined the role of race and ethnicity in the following three types of sentencing outcomes:

- whether youth were sentenced to confinement (DJR supervision),
- whether youth were sentenced to an Option B disposition,
- whether youth were sentenced under the Manifest Injustice provisions (RCW 13.040.0357) to a disposition outside the standard range of confinement or community supervision,

Analyses of these issues were repeated across major racial and ethnic groups (see Tables 3.10-3.12 in Appendix 3).

The single most important finding in the analysis of sentencing to confinement -- that is, supervision in Division of Juvenile Rehabilitation facilities -- is that race typically plays *no* direct role in the imposition of this type of sentence. The only seeming exception to this rule is in Yakima County. Youth of color in Yakima, primarily Hispanic youth, are significantly more likely than whites to be sentenced to confinement. Further, this pattern persists even after adjustments are made in the seriousness of offenses, prior records, youths' ages, and other legally relevant characteristics.

Otherwise, racial and ethnic minorities are more likely to be sentenced to confinement only insofar as they are more likely to be detained prior to adjudication. Youth who are detained are much *more* likely to be sentenced to confinement than others. As in the analyses of other stages of the administration of juvenile justice, higher rates of detention among minority youth increase the likelihood of being sentenced to confinement following adjudication.

The analyses also examined sentencing under the "Option B" and "Manifest Injustice" provisions of the Juvenile Justice Reform Act. Under "Option B" provisions, youth who would ordinarily be sentenced to confinement according to sentencing guidelines are afforded an exception and sentenced instead to probation with intensive community supervision. Under "Manifest Injustice" provisions, a judge may find that the statutorily

recommended sentence would effectuate a manifest injustice in a case and may impose an exceptional sentence that either exceeds or is less than the range recommended by the guidelines. Of concern in the analyses of both types of provisions was whether the discretion afforded judges to impose sentences that depart from the statutory guidelines would adversely impact relative to whites. The analysis of "Manifest Injustice Provisions" only examined whether minority youth were more likely than white youth to receive aggravated sentences.

The analyses found *no* significant racial or ethnic differences in the imposition of "Option B" and "Manifest Injustice" sentences. Further, differences in sentencing outcomes were not explained by factors associated with race and ethnicity, such as detention prior to adjudication. Further, analyses allowing for the inclusion numerous family and social background characteristics of youth found *no* significant racial or ethnic differences.

In sum, racial and ethnic disparities at sentencing reflect the influence of race on sentencing primarily through the association of race with the likelihood of detention prior to adjudication. Youth of color are more likely than similarly situated white youth to be sentenced to confinement and DJR supervision primarily due to the undue influence of pre-adjudication detention on sentencing outcomes. Also, the pronounced disparities in the sentencing of youth of color and white youth in Yakima contribute significantly to the higher rates of severe sentences imposed on youth of color for the state as a whole.

These findings are extremely problematic. The sentencing guidelines of the Juvenile Justice Reform Act (RCW 13.40.0357) make no provision for differences among youth in detention prior to adjudication. Further, the Act (RCW 13.40.0351) specifies that the guidelines apply equally to juvenile offenders in all parts of the state. However, the findings of the present study suggest just the opposite. The guidelines established under the Act are

not applied equally in all parts of the state or without discrimination among different types or classes of juvenile offenders.

Discussions with officials in Yakima reveal unique problems in the area that may assist in explaining the sentencing differences. Some felt that the disparities occur for structural reasons -- there are few alternatives to incarceration from some Hispanic youth. One stated that many of these are children for whom "there is no support system for the development of community based programs." Many of these kids are immigrants from Mexico with no relatives or ties to the community ... "Where does he live? Where do I send him? Who is his support? Absent such support, it is impossible to let the kids go. For example, if a kid has the ability to go to school, you can plug him into a community based program..." Further, the Yakima valley has few facilities for these kids and the kids who have drug and alcohol problems. This is particularly problematic for children who may or may not speak English -- there are no local treatment centers that would allow for dealing with these types of problems. According to some, these youth more often than not must be sent to DJR or to institutions in another state with better facilities.

Coupled with this problem -- limited treatment alternatives -- is a view among some that youth who go to DJR facilities, and those who are detained pre-adjudication, may benefit from the separation from their "home" environment. One official stated:

"I don't see sending them away as always a 'negative.' Detention and commitment (to DJR) gets them away from "trouble", it also gets them away from their families. And in many cases the families are terrible influences. I've had children say to me "no, I don't want to leave detention." I don't want to go home." If I go home, I don't get my own room ... 'sending these kids home is sentencing them to misery.' ... Would you want to send them back to a house where there are ten children and two adults for a two room apartment?"

Thus, attitudes about the purposes of detention and punishment -- and the perception of special social and family problems of Yakima Valley youth -- may contribute to racial and

ethnic disparities at detention and sentencing .

Confinement and Time Served

In 1991, youth of color in Washington State were approximately three times more likely than whites to be confined to the supervision of the Division of Juvenile Rehabilitation (DJR) for offenses. With the state's sentencing guidelines, disparities in the confinement of youth to DJR supervision -- and specifically, disparities in how sentences are served by youth -- should not occur unless there are significant differences among youth in the types of offenses at sentencing, youths' ages or their prior records as juvenile offenders. That youth of color are confined at substantially higher rates than white youth is problematic. While it may be no more than the direct result of racial and ethnic differences at sentencing, it raises concern about the classification and supervision of youth in correctional treatment facilities in the state.

The analysis of disparities at confinement examined the role of race and ethnicity in two types of sentencing outcomes:

- whether youth were confined to a high or maximum security level, and
- whether youth served a high percentage of their imposed maximum sentence.

To address these issues, a separate sample of cases was selected from data provided by DJR on the commitment and classification of youth under its supervision.³⁸ This institutionalized sample was necessary because relatively few of the youth included in the

³⁸ The analyses focused on cases committed to DJR supervision during 1991. A total of 1,578 cases were admitted to DJR facilities in 1991. Of these, 1,273 were new commitments and the focus of the present analysis. Cases representing technical recommitments were excluded from the analysis because it was felt they were not comparable for purposes of the analysis to the new commitments.

six county sample were ultimately committed to DJR supervision and an even smaller number had completed their sentences at the time these analyses were being performed. Use of the DJR cases would ensure the possibility of a more comprehensive examination of disparities in confinement and time served.

The analyses examined factors associated with percentage of maximum sentence served and confinement in maximum or high security facilities(Level 1), middle security facilities(Levels 2 and 3), and minimum security facilities (Level 4). Included among the factors were the following characteristics of youth:

- race,
- gender,
- age,
- total points at sentencing across all offenses,
- seriousness of the offender,
- sentence maximum,
- increase factor imposed at sentencing, and
- size of county in which youth was sentenced.

The analyses were conducted initially comparing all youth of color to whites and, secondly comparing African-Americans to whites (see Tables 3.14-3.17 in Appendix 3). There was an insufficient number of cases to repeat the analyses comparing other racial or ethnic minorities with white youth.

The single most important finding in the analysis of classification to type of institution is that youth of color, particularly boys, are significantly *more* likely than white youth to be confined initially in high security facilities (Security Level 1). Further, this pattern persists even after adjustments are made in the seriousness of the offender (as specified by statute and DJR) , total points at sentencing, youths' ages, and other legally relevant characteristics. In contrast, youth of color are *less* likely than white youth to be committed initially to medium security facilities (Security Levels 2 and 3). Otherwise, racial

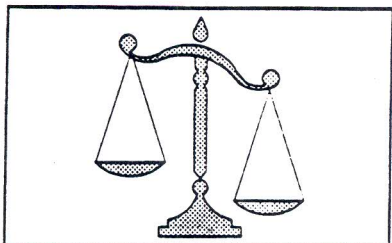
and ethnic minorities are more likely to be initially confined in high security facilities only insofar as they are more likely to be sentenced for serious and violent crimes.

The analyses also examined factors associated with whether youth served a high percentage of their maximum sentence. The concern in this part of the analysis is whether racial or ethnic disparities at confinement are associated with minority youth serving a larger percentage of their sentences than white youth. The analyses found, however, just the opposite. Youth of color, on the average, actually served a *smaller* percentage of their maximum sentence than whites. This finding must be interpreted cautiously. It would be erroneous to conclude from this finding alone that minority youth receive some form of "advantage" over whites under DJR supervision. Slightly more than one-third of the entire population of 1991 admissions to DJR had *not* completed their sentence at the time of the study. Thus, the analysis of percentage of time served is based on a sample biased in the direction of youth shorter sentences. Any significant differences in the relationship between race and time served among youth who have served different lengths of sentences complicate interpretation of these results.

In sum, racial and ethnic disparities at confinement may reflect the influence of race on confinement primarily through the association of race with the likelihood of initial commitment to high or maximum security facilities. Minority youth are much less likely to be placed in community residential facilities -- either state or county-based group homes. While this occurs in part due to differences between white youth and youth of color in the types of crimes committed, the difference may also reflect difficulties in establishing and locating group home placements for youth of color in the urban counties in which many live. Among the many comments and concerns expressed by DJR officials over the problems of minority youth, the lack of group home placements was voiced most

frequently.

IV. PERCEPTIONS AND KNOWLEDGE ABOUT DISPROPORTIONALITY AND ITS CAUSES



This part of the report describes the views and perceptions of juvenile justice officials, representatives of communities of color, and other participants in the juvenile justice process. It is based upon interviews conducted with persons across the state on aspects of juvenile justice laws, policies and practices that may influence levels of racial/ethnic disproportionality.

Objectives for this part of the project include:

- Identifying officials, leaders of communities of color and participants in the administration of juvenile justice knowledgeable about the handling of juvenile cases,
- Ascertaining the views and opinions of those persons on factors influencing the outcomes of juvenile justice proceedings.

Over the course of the project, one hundred and seventy persons were interviewed. Four types of persons were interviewed: 1) individuals who work in roles within the juvenile justice system--e.g. judges, attorneys, probation counselors, case workers, prosecutors, court administrators, and correctional staff, 2) leaders of minority communities who are knowledgeable about the problems of youth and the juvenile justice system; 3) juveniles who have been or were, at the time of the study, under the supervision of juvenile justice agencies, and 4) political leaders in communities across the state. Formal interviewing extended over the entire length of the project and typically involved two stages. First, preliminary interviews and discussions on the pervasiveness, seriousness and causes of disproportionality were held at early stages of the project. Second, more extensive interviews were completed during and following the collection and analysis of empirical information on case processing in the six counties. These follow-up interviews asked

officials and community leaders to assist in the explanation and interpretation of project findings.

A. Pervasiveness of Disproportionality

Many persons interviewed expressed the concern that racial and ethnic disproportionality is a significant problem in the administration of juvenile justice. Most felt that it is complex and not localized, either to a particular stage of the juvenile justice process or to a particular region or community in the state. Further, many felt that the problem was not necessarily a matter of prejudicial decision-making by juvenile justice officials, but rather a shortage of resources to help disadvantaged youth. Most of those interviewed felt that youth of color on average are much more likely to be disadvantaged than whites and therefore more likely to suffer the hardship of being disadvantaged at every stage of juvenile justice processing.

In contrast, some juvenile justice and law enforcement officials felt that there exists little or no disproportionality in their respective counties. In response to questions about the possibility of higher rates of arrest and greater likelihood of confinement for youth of color, one official pointed to instances in his county where judges were "bending over backwards" to be sensitive to racial and ethnic differences among youth accused of offenses, imposing less severe penalties on youth of color than whites.

B. Seriousness of Disproportionality

Although many officials expressed concerns about disproportionality, others were not particularly troubled by it for reasons that are summarized under below (C. **Perceived Causes of Disproportionality**). Some were quite troubled by disproportionality but often for

very different reasons. One official, in response to our inquiry, had compiled and analyzed statistics on racial and ethnic differences among youth in an effort to determine why minority youth are over-represented in arrest and court statistics. His primary concern was the welfare of youth of color and the limited amount of social services they typically receive. Another official viewed disproportionality as a direct result of significant and, in his opinion, serious racial and ethnic differences in crime. His concern was the serious threat to the community created by high rates of violent crime. He felt that some youth of color represented a significant threat of violence and that a firmer response by the legal system to that threat was needed.

In general, views about the seriousness of disproportionality as a problem varied significantly according to the race of those interviewed. White law enforcement officials were less likely to see disproportionality as a problem. Many cited other problems as being more important. Most, however, expressed apprehension that any remedies to disproportionality might downplay the seriousness of the types of crimes that youth of color are involved in:

"... a lot of us are really struggling with it. I struggle with, the issue of disproportionality, racism, all that stuff, you know. And so you are continually questioning, I think there is a lot of pressure on you too. And one of the things that does concern me ... the drive-by-shooting ... now there's absolutely no doubt in my mind that it is primarily minorities that are engaged in it. ... It's flat out unacceptable to shoot somebody. Do we lessen our standard, do I lessen my values because as I view it, it is mostly a minority community (problem) and we have a great deal of concern about the kids who are coming here are minorities. ... Is there a terrible danger of saying or people saying, 'Well drive-by shootings is a cultural value of this community.' "

In contrast, minority officials working in juvenile justice, as well as youth workers in the minority community perceived disproportionality as a major problem. They were extremely concerned about how the continued persistence of disproportionality in the juvenile justice

system reinforced levels of distrust of law enforcement officers and juvenile justice officials.

C. Perceived Causes of Disproportionality

Several explanations of disproportionality were offered. Individuals employed in the juvenile justice system typically provided different explanations than leaders in the minority community and youth outreach workers. Individuals employed in law enforcement professions--police and prosecutors tended to blame the existence of disproportionality on differences between minorities and whites in levels of criminal behavior. Probation officers and court administrators tended to focus on perceived weaknesses in the minority family and community and frequently blamed disproportionality and differential crime patterns in minority communities on the "dysfunctional" family. Representatives from minority community organizations, youth outreach workers and defense attorneys frequently cited economic inequality as the major culprit contributing to disproportionality. These groups, along with juveniles in the system and their parents, were most likely to evoke explanations using institutional racism as a major contributing factor.

Not all of the responses fell along traditional racial or occupational lines. A few minority juvenile justice and law enforcement officials asserted that institutional racism was not an important factor and they argued that minorities were more heavily involved in violent crimes. Also, some white law enforcement officials and court staff argued that the individual prejudices of their colleagues contributed to the problem. In general, however, minorities were more likely to attribute the problem to institutional racism, individual prejudices of law enforcement officials, prosecutors, judges and attorneys, whereas whites were more likely to discount racism as a cause.

In the sections below, the major explanations collected from respondents are discussed in detail.

Racial and Ethnic Differences in Criminal Conduct

A major concern cited by many of those interviewed was differences in among youth in involvement in crime. Many of the officials felt that one cause of disproportionality in the administration of juvenile justice is the involvement of youth of color in serious and violent offenses. The clear perception among these persons is that crime rates among youth have increased over the past few years and that much of the increase in violent offenses has occurred among youth of color. According to these officials, this escalated level violence contributes to increase likelihood of arrest, adjudication and confinement to correctional facilities.

Different perspectives about the relationship between criminal involvement and disproportionality in the administration of juvenile justice emerged in the interviews. Many argued that youth of color commit more serious and violent offenses. Most who expressed this view felt that social and economic disadvantages experienced by these youth are the primary causes of their criminality. One official saw the differences in crime in terms of available supervision of youth. He argued youth of color are more likely to experience ineffective supervision in school and in homes. He made reference to the failure of families to supervise and control their children.

Law enforcement officials, prosecutors, judges, court officials and staff in correctional facilities most often expressed the argument that the cause of disproportionality was linked to the disproportionate involvement of youth of color in street level drug dealing and gang related violence. One white police official interviewed stated:

"... whatever factors cause a kid to act out and be more violent, which remember that we're more street oriented--if the same number, if the representative number of minority youth were hacking computers as white kids were hacking computers ... it's almost a crime that we, we just don't get at it. We get at violent street crime, which means that people who are on the street are going to come into the purview or scrutiny of the police more."

In discussing and explaining disproportionality, some law enforcement officials and politicians expressed arguments describing how levels of violence had risen in their communities and that the crime problem was associated with significant social problems in the minority community. Among some, the minority "problem" provoked acute anger, even when it may actually have been related to less serious community problems. One official made the following comment:

You know, all three of the women in my family, my wife and both of my adult daughters, have been confronted by young Mexicans on the street, I think with racial comments, but they didn't understand the language. I don't go for that shit. You know as a father and as a husband, I want to ... I can understand why Southern whites lynched blacks. It's terrible, but I can understand how it happens. You don't affront people that way. Uh, that may be o.k. in Italy where you pinch women, or in Mexico, but it doesn't fly here ...

Observations and interviews with law enforcement officers suggested that differential treatment and policing of minority areas is one common mechanism for dealing with the perceived threat of crime. Often minority youth were perceived as more threatening than whites, but the "gang" label was more often applied to African-Americans. Latinos were described as posing a threat to the way of life in the community.

Another and related interpretation of the crime difference pertained to gang-related activity. One official, who argued that youth of color who commit offenses are more likely than others to have "dysfunctional" families, stated that gangs have become "surrogate" families for some youth. In order to be an accepted and integrated member of the gangs, youth must commit offenses. This official felt that the gang-related criminal activity offers

some youth a meaningful social identity and, at the same time, separation from "dysfunctional" family environments. The following statement summarizes the responses of some law enforcement officials working in Hispanic communities:

. . . it is not that we don't have some white juvenile participation in the gangs, but very few. Most of it is centered right within the Hispanic population. . . . a lot of times from single parent households . . . so a single parent being a mother who's got a male son, you know, he's going to run the family as the head of household and mothers can't assert themselves over the child. We run into the problem of where a lot, many of these mothers are first generation--limited ability to speak English. And these kids are absolutely intimidating their mothers. They will say to their mothers, 'If you lay a hand on me, I'm going to tell the cops and they're going to put you in jail, if you try to discipline me. . . you can't make me stay home

A youth outreach worker who works with at risk youth explained that in the Hispanic community in her county:

There are parents right now working two shifts to make ends meet. You know with the housing conditions, rentals going up. And then there are some parents who are dysfunctional, the substance abuse, the trafficking that's very real and a lot of people don't talk about it. There are kids who are in families that trafficking is going on. So to the family, that's their survival. And they spend a lot more time doing that, then with the kids.

Community and youth outreach workers also identified family problems such as alcoholism, drug abuse, child abuse, incest and neglect as key culprits, but asserted that social service workers, courts and police are more likely to label minority families as dysfunctional, particularly if they are single parent households.

At least one official saw the increase in offenses among youth of color -- particularly, the possession of weapons -- as a response to fear of crime. This official argued that more youth in recent years, particularly youth of color, are carrying weapons in response to fears for their own safety. Thus, the existence of violence in schools and on the streets may accelerate the growth and abundance of weapons among inner-city youth. Youth may carry and use many of these weapons for protection from those who use their weapons

aggressively. The end result may be more police contacts for weapons-related offenses, more violence and more violent offenses.

Numerous respondents who work with youth of color throughout the state, repeated that the schools are perhaps the first institution which contributes to the construction of prior records. They cited major problems with cultural insensitivity and charged that disputes involving minority kids are handled by the police, whereas disputes between white youth are handled by the schools. Court staff stated that the schools often refuse enrollment to youth trying to re-enter system after being confined in correctional facilities. If they do take the youth back, they are watched constantly and cited if they even spit on the sidewalk. Finally, some attributed many of the problems of minority youth to the economics of poverty. Economic disadvantages and the availability of fewer options for minority youth were cited as the major reason why youth of color commit crimes. One police officer who has been working with youth for several years stated:

Very seldom do you find people with a lot of options available to them that stay in the crime network. That's why you'll find . . . If you and I went out and talked to a bunch of skinheads, o.k. If we talked to a bunch of punkers for instance, you're going to hear a whole different style of conversation from them, than you would if we go into the CD (Central District) to talk. Now, what you're going to hear is that, in their perspective, um . . . 'Oh, yeah, we can get a job, that's no problem. The thing is that no one wants to hire us because of No one wants to hire us, because they don't like the way my hair is, my clothes are . . . or something of that nature. And they will tell you, 'I don't have to deal with that.' You go into the South end and the black kids there are going to tell you, no one's given me a chance to get a job. I've been there or no one has shown me or no one has told me--no one has given the opportunity. 'So therefore, I'm going to do something. I say, 'I get you a job, will you stop selling dope? Some say yes, some say no.

Community activists and outreach workers went a step further and attributed criminal involvement to both poverty and racism. The following response from one long time community activist in the African American community was representative of many of the

explanations we heard:

I think that root cause, the basic one is poverty . . . and next racism. And by poverty, I mean, when you have a community where . . . which we have in the central area 30 percent of the families live at or below the poverty level, so if a mother has two kids, two teenage kids and she's trying to survive off of \$680 which she will get from the welfare. And if she works 8 hours a day at minimum wage, you know, \$4.00 an hour, she'd bring home about \$700. And what she would need for a family of three to be halfway liveable, is about, you know, \$1000.. . . Ye these kids live in the wealthiest nation in the country and they watch TV and they know that in order to be cool and with it, you've got to have \$125 Nikes, . . . or you've got to have a Raider jumpsuit. Obviously, she can't provide these basic things. It's easy for me to see why some kids would get involved individually or as a group, . . . doing crimes to make ends meet. Then because of racism in the general society--the police, the people in position of power, the head of welfare, the school system . . . starts perceiving, particularly young black males who walk and dress a certain way, as criminally-inclined anyway, whether they are or not.

In Eastern Washington Hispanic communities, the role of poverty was continually stressed. Respondents from all of the three groups interviewed repeated that people here are so caught up in the day to day struggle of survival that they cannot help their kids once they get into trouble.

The Hispanic community is a poor community. You know, lack of opportunity. A lot of them that do work in the fields and they're still making the minimum wages. So survival becomes one of the main reasons for families--survival is it. Then a lot of times, once the kid gets into trouble, it's a good opportunity for the parents to say, 'O.k., you're not doing good in school, you're going to drop out and you're going to go to work. Then the kid all of a sudden is thrown into the adult role. Now he can drink, now he can, you know be out acting as an adult. Which unfortunately in our community is the drinking and violence and womanizing, paying--becoming to be a man.

Gang and Related Problems in Urban Areas

Law enforcement officials who were interviewed expressed concern about the violence associated with gangs and the need to control gang or group-related criminal behavior. Most saw gangs as a serious and direct threat to community order and to violence against police

officers. Although some viewed the gang problem as simply a matter of racial and ethnic differences in crime, others felt that controlling the gang problem while avoiding mistreatment of non-gang members was extremely difficult given 1) the preponderance of gangs or groups that were comprised either entirely or almost solely of youth of color and 2) the perception that many youth of color dress and act in ways that may reflect gang involvement.

Almost all of the community leaders who were interviewed expressed concern about gangs and the "gang" label. In all of the counties included in the interviews, community leaders agreed that drugs and drug trafficking had become a problem in their communities. Much of this was attributed to the infiltration of gangs. However, many leaders expressed concern that youth of color are much more likely than whites to be identified as gang members because police and law enforcement officials typically depict gang members as African-Americans or Latinos.

The frustration among the leaders was quite clear. Youth of color may be identified and treated as gang members although they may not individually belong to gangs. The end result is that in some instances innocent youth of color may experience forms of intimidation or "harassment." One person described this as the perpetual "degradation of being thrown against the car."

Members of California gangs allegedly organized off-shoots in various metropolitan areas in Washington. One county police official explained that after the California leadership was removed:

... it left us with about 350 of the recruited youth, predominantly, almost all African-American. That was the original wave and then after that, the second wave was Hispanic and white, so it's quite, ... it's an equal opportunity employer now.

Almost without exception, every community where we conducted interviews had brought in "gang experts" from California, primarily L.A. to assist them with controlling their gang problem. Police officials in other counties recited similar scenarios and although they often mention the presence of other races in gangs, the primary focus has been on African-Americans and Hispanics. One felt that:

The other part of it is that, black, latino, mexican style gangs are very easy to report. If, um if, but it comes because of the way they announce themselves. It's sometime through graffiti, it's sometime through the style of clothes they wear. It's their whole agenda. Many of the crimes that they commit, with the black latino/mexican style gangs, even though they could be multi-racial. Many of the styles of crime they commit are done in the community in which they live. . . . So therefore it much easier to catch the person.

Law enforcement officials also asserted that youth of color are more vulnerable because of the "way that they hang out."

Almost all of the community leaders who were interviewed expressed concern about the power of the gang label. In this State, they argued that the gang label has practically become synonymous with African-American or hispanic male. Statements collected from law enforcement officials and court administrators reinforce this perception. One individual stated:

The drive by shooting now there's absolutely no doubt in my mind that it is primarily minorities that are engaged in it. And mostly the gang thing, although white, black all races, all the kids across the board, are now carrying weapons.

A minority juvenile justice counselor related an incident in which she was helping a white colleague find a counseling session for one of her students. She asked if the youth was "gang involved," and her white colleague replied: "No, he's not black." A probation officer highlighted the problem of the gang label.

The power of the pen is real powerful--what they write down is like its coming down from the mountain of Moses--God spoke. Police reports are

usually one-sided--the victims's side. Things go from the police reports to other levels of the system, i.e. They say "this kid is a gangster. He had a blue rag on his face." Probation officers need to be careful. It's often carelessness--its not intentional, but a lack of knowledge.

Youth outreach workers reiterated that many of the gang members on whom the police focus were actually so called "wannabes." Some law enforcement officials, however perceive the "wannabes" as dangerous and warranting control. The statement: "If it looks like a duck and walk likes a duck, it must be a duck." was a frequent phrase that individuals in law enforcement used to justify applying the "gang " label to youth were dressed like gang members.

Many community leaders thought that the gang issue had been overblown, although they did not deny it's existence. A youth worker who works with drug and gang involved youth stated:

I don't think that it is organized gangs, what you would call the drugs, organized formal gangs. It's still in the "wannabe" stage. And I hate to use the word, because it just triggers a lot of feelings in them. And I tell them to their face and they just laugh. And if they laughing at what I am telling them and I don't get shot that means that they're still not that sophisticated!"

At the heart of most community respondents' concern about the "gang" label, however, is the perception laws are differentially enforced against minority youth and that differential law enforcement contributes to disproportionality. One community leader described it as follows:

If you want to get arrested in America, all you have to do is dress up like a Negro. . . If you ride in a raggedy car, you going to get stopped and if you ride in a fancy car you're going to get stopped. The assumption is, if you're in a raggedy car, you'll selling drugs and want to keep a low profile. If you are riding in a fancy car, you used drug money to buy it.

Youth outreach workers and community activists frequently pointed out that minority communities are surveilled more often and more closely by law enforcement. They

indicated that if you put more police in an area, they are going to find more crime.

In counties with small relatively minority populations one attorney noted:

You don't know whether they are being singled out for behavior or because of 'visual identification.' They are just different. They are not doing it consciously and it is not done maliciously.

A community leader described the problem in stronger terms:

. . . probably the majority of the contacts with juveniles, the police don't end up arresting them. But, the problem becomes the kind of interaction they have with them. They are much more likely to tell them that they have to get out of the car, frisk them, if they have red or blue coats on for regardless of whatever reason, imply to them that they're gang involved, much more likely to use racially derogatory terms with the, you know to black and Hispanic youth then they are with the others.

. . . the nature of the informal contact . . . has more bearing on the alienation of African American kids, from the police, than anything else. Because in the eyes of the young African American youth, being stopped by the police is dissonant, you know, disrespecting, calling him out of his name, already perceiving him as a gangster or a hood, and taking advantage of the obvious, you know, military and physical power that he has over him.

Community leaders and activists suggested that part of the problem may be related to cultural insensitivity on the part of officials. The leader stated: "Police who patrol this area, do not live in the neighborhood and they do not understand the culture." Some community leaders felt that the problem of insensitivity is not restricted to law enforcement. They argued that there may be a tendency for white law enforcement and judicial officials to misinterpret playful behavior among youth as violent. They felt that when youth in the African- American community are yelling at each other or arguing, it is often viewed by the participants as a game.

*Differences in Arrest Practices Between Urban
and Rural or Suburban Police*

Many officials felt that police may be less likely to arrest youth in rural and some

suburban areas than in urban areas. With lower workloads, suburban police may be much more likely to try and contact a youth's parents or take him or her home in lieu of citing or arresting the youth and referring him or her to the juvenile court. According to most law enforcement officials, these "street adjustments" are infrequent in urban areas because police "simply don't have the time."

To the extent that youth of color are more likely to live in urban areas they may be more likely to be arrested than white, rural or suburban youth. Thus, the practice of "street adjustment" -- to the extent that it occurs -- may exacerbate the problem of disproportionality. However, it should be noted that no concrete empirical evidence of this practice was available for inclusion in the study.

One law enforcement official argued that in urban areas the response to crime is more formal or routinized. Regardless of race or ethnicity, persons committing serious or violent acts get arrested or cited and referred to the juvenile court. He argued that this routinization may actually serve to ensure that youth of color are treated fairly -- there is less discretion afforded to individual officers.

In small towns, cops are less trained and not being trained well, they are scared. They don't know any better. They tend to deal with violence. Cops are just doing what society wants them to do.

A great deal of enforcement activity in some rural areas is directed at the growing immigrant population. Officials in the juvenile justice system frequently asserted that their communities had become more violent. The following statement from an law enforcement official a rural county exemplifies these responses:

But our officers, yes they are afraid. They've seen 50 or 60 kids in a gang up here at the supermarket. And they got to wade in? Whew. . . . I'm not going to wade in and tell them to break it up when they're fighting and swinging bats and chains. uuh, uh. I'm going to call for back up. Well here in our town, our back up is one other guy.

Racial Insensitivity in the Courts

Many respondents asserted that aspects of the juvenile justice system are racially insensitive to the problems and needs of youth of color. Others asserted that judges and probation officers are simply less tolerant of minority youth:

Here's why, just to be hypothetical: this 14 year old girl, charged with her fifth assault, she missed, the mother and the girl missed the . . . [court date] they didn't mean to miss, but they didn't write it down, they didn't take it real serious . . . they didn't show up the first time in court, so their warrant was sent out and the little girl got picked up for another assault and you know when want to keep her 90 days, then the mother, you know got kind of upset. So I asked, 'why didn't you come the first time? It wasn't really because they were trying to be slick, they just forgot, they wasn't even think about it, the mother's constantly struggling, trying to make ends meet for her three daughters. But in the eyes of the judge, and the probation officer, these are irresponsible people.

An official who works with Native America youth also pointed to how cultural differences operate against youth of color in court:

There is a lot of ignorance of the native American culture. When I first sat in on a court case, I saw that the judge would ask the Native American kid what he though about what had just happened. Native people are not vocal. The kid would look at the judge and say nothing. The judge would then turn to the mother or the person in charge of the youth and get the same response. When the kid doesn't respond, the judge says, 'He doesn't give a damn.' the white kid will cry and say, 'Oh, I'm so sorry your honor, I didn't know what I was doing.' The parents will respond to the judge's questions.

Youth outreach workers also pointed to cultural differences which in the Hispanic communities work against minority youth in court.

And so a judge or police officer may really be heavy handed or give you a heavy fine or sentence, where an educated and white anglo kid, through proper legal counseling are made to and instructed to show remorse and physically show that they are sorry for any offense that they have committed to play on the sympathies of the judge or court system and ore even the police officer during, at the time of arrest. You know, 'Gee, I'm really sorry, I wish I didn't do it, my mom and dad are really going to be made, I didn't do it, gee if you let me go, I'll go straight home.' Where a Chicano kid, out of fear and because of pride, won't show indifference or maybe a little arrogance, and say, 'Well, I wasn't doing anything wrong, and I don't

have anything to fear, and if you think that I did something wrong, then do what you have to do.' That can be seen as arrogance or indifference to the law.

One Hispanic community leader gave the following explanation of what happens to Latinos in court:

. . . they're frightened and they are intimidated by the white man's law as they see it. And they don't understand that human rights or judicial ones and a lot times, they think that it is easier and better for them just to plead guilty or plead ignorance and pay a fine

Differences in Levels of Social Support

Most of those interviewed, officials and community leaders, expressed concern that disproportionality may result in part from the limited resources available to families of youth of color. A community leader expressed the problem in the following manner:

"A young girl gets picked up for assault. She's from a single parent family and her mother works and has four other children. The Court date gets missed -- the mother is working and she and the daughter do not realize the seriousness of missing the date. The PO (Probation Officer) is overworked and doesn't know the community and does not visit the home and take the girl to court. Consequently, the court views and labels the mother and daughter as irresponsible."

In cases like this, officials and community leaders agree that youth of color are more likely to be detained prior to adjudication and perhaps be punished more severely than whites.

The parents of these youth may be unable to attend court proceedings or assist court officials in cases involving their child. Many respondents suggested that low income minority parents are often intimidated by court officials and the system. Cultural factors might also enter in and as several Hispanic youth asserted, they did not want their parents at court or to visit them in the detention facility because this only magnifies the "shame they have brought on their family."

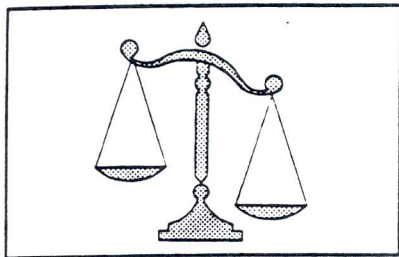
At the heart of the problem is the level of social support available to many youth of color. One official described the problem quite simply. When parents or senior family members are unable to assist the court and youth by participating in proceedings and hearings, youth are less likely to get diverted or released from detention. They spend more time in detention and are more likely to be viewed by court officials as "problems."

Limited Treatment Alternatives

Disproportionality may also occur in part because persons who have few social supports make "poor presentations to the court" -- that is, they are unable to offer the kinds of social circumstances that would encourage courts to divert them or return them to the community without confinement. Support comes in many forms -- school, family and neighborhood alternatives to sentencing in terms of halfway houses and alcohol treatment facilities.

One official with extensive experience in juvenile justice expressed concern over this problem. He feared that little can be done about the problem of disproportionality in the short-term because its causes, in his opinion, are rooted in the structure of current methods for handling juveniles who commit offenses. He stated that far too often there are insufficient alternatives to confinement for youth who commit offenses. Youth of color who are adjudicated and found guilty must be confined in DJR facilities because there are too few community residential or treatment programs in their neighborhoods for placement. In order to deal with the problem of disproportionality effectively, he argued that the base of treatment alternatives must be dramatically expanded.

V. SUMMARY, IMPLICATIONS, AND POLICY RECOMMENDATIONS



There exists significant variation across counties and across stages of the juvenile justice system in levels of racial and ethnic disproportionality. The causes of disproportionality are found in the characteristics of counties and the factors associated with the handling of

individual youth in the administration of juvenile justice.

Disproportionality and Counties in Washington State

At the county level, racial and ethnic disproportionality is pervasive across all stages of the juvenile justice process. Youth of color are more likely to be referred, detained, prosecuted, adjudicated, and confined in juvenile correctional facilities than whites and at rates higher than would be expected given their numbers in the population. Further, they are less likely to be diverted from prosecution when referred to the juvenile court for offenses. Counties vary in levels of disproportionality due at least to the following factors:

- County Differences in Rates of Violent Crime and Chronic Juvenile Offending,
- Levels of Minority Concentration in the Population, and
- Degree of Urbanization

Disproportionality is most consistently related to the concentration and growth of youth of color in counties, the degree of urbanization and levels of violent crime and chronic juvenile offending. Counties with large concentrations of youth of color, counties with a large proportion of their population in urban areas, counties with a high violent crime rate and high rates of chronic juvenile involvement in offending experience significantly higher levels of disproportionality than others. However, disproportionality in these counties is neither caused nor explained *solely* by a higher number of youth of color committing offenses,

getting arrested or cited and referred to the juvenile court, and then being prosecuted and adjudicated for their offenses. These county characteristics reflect more about the social context in which juvenile justice is administered -- and the factors affecting the actions of juvenile justice officials -- than they do about the characteristics of youth processed through the juvenile court.

Disproportionality in the Processing of Individual Cases

A related concern of this study was whether race or ethnicity influences, either directly or indirectly through other factors, the disposition of individual cases at any or all of the major stages of processing. The analysis of individual cases processed through the juvenile court in six counties found that the influence of race and ethnicity varies by stage in the administration of juvenile justice. At *detention*, youth of color who are older are more likely to be detained than white youth, even following adjustment for differences between the cases and backgrounds of youth. This pattern is believed to be closely related to lower levels of family participation in juvenile court proceedings and rates of school attendance among minority youth relative to whites. This finding is extremely significant because the mere fact of being detained prior to adjudication, "takes on a life of its own" in subsequent stages of the case processing.

While youth of color are, on average more likely than white youth to have their cases referred to *diversion*, this occurs primarily because minority youth have much higher rates of referral in general. Further, youth of color with any prior record of referrals are less likely to have their cases referred to *diversion* than similarly situated white youth. In contrast, prosecutors are much more likely to file *no charges* in cases involving white youth. Although youth of color are, on average, *prosecuted* at substantially higher rates than whites, this occurs primarily because the likelihood of prosecution is significantly greater for

1) youth of color with prior records of juvenile court referral and 2) any youth detained prior to adjudication. The latter of these is particularly important to understanding racial and ethnic disparities in prosecution -- as noted above, youth of color are much more likely to be detained prior to adjudication.

At *adjudication*, youth of color, particularly those with prior records, were more likely than similarly situated white youth to be adjudicated guilty. And in a manner similar to prosecution, youth who are detained prior to adjudication are also at a disadvantage; they are much more likely to be found guilty than other youth. These factors combine to cause pronounced disparities at adjudication because white youth and youth *not* detained prior to adjudication were significantly more likely than youth of color to have the charges filed against them actually dismissed by the court.

Racial and ethnic disparities at *sentencing* are associated in large part with racial differences in the likelihood of detention prior to adjudication. Detention has a direct and independent influence on sentencing outcomes, above and beyond the effects of other factors. Youth of color are more likely to be sentenced to confinement under DJR supervision because they are more likely than whites to be detained. This finding is problematic because the state sentencing guidelines make no provision for differences among youth in detention prior to adjudication.

Finally, disparities at *confinement* are most strongly related to the classification and commitment of youth to high or maximum security facilities. In comparison to white youth, youth are much more likely to be committed initially to maximum security facilities and much less likely than whites to be placed in community residential facilities -- either state or county-based group homes. While this occurs in part due to differences between white youth and youth of color in the types of crimes committed, the difference may also

reflect difficulties in establishing and locating group home placements for youth of color in the urban counties in which many live.

Perceptions and Knowledge About Disproportionality and its Causes

Officials were quite troubled by disproportionality but often for very different reasons. Some had as their primary concern the welfare of youth of color and the limited amount of social services they typically receive. However, others viewed disproportionality as a direct result of significant and, in his opinion, serious racial and ethnic differences in crime. He felt that some youth of color represented a significant threat of violence and that a firmer response by the legal system to that threat was needed.

Many factors were identified in the interviews as potential causes of disproportionality. Among the most salient were 1) racial and ethnic differences in criminal conduct, 2) problems related to gangs and the labelling of gang behavior, 3) differences between rural and urban arrest practices as they affect youth of color, 4) racial insensitivity in the courts, 5) racial and ethnic differences in levels of social support available to youth accused of offenses, and 6) limited treatment alternatives for youth adjudicated for offenses.

These findings have significant implications for public policy. They reveal a system of juvenile justice, and related standards and guidelines, that is partial not impartial. Laws are enforced and applied unequally and there exists a critical need for reforms. The current statute (RCW 13.40.0351) offers a framework for these reforms:

"The sentencing guidelines and prosecuting standards apply equally to juvenile offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or the previous record of the offender."

Remedies must ensure that juvenile justice actually is administered equally across the state and without regard to the race, ethnicity or other social characteristics of youth accused of

offenses.

Remedies must recognize and consider the community contexts in which disparities are most likely to arise. County differences in rates of violent crime and chronic juvenile offending give rise to concern among law enforcement and juvenile justice officials about the problems of youth and the need to regulate and control juvenile offending. Further, the role of recent "gang" problems and the increased involvement of youth in groups identified as "gangs" seriously exacerbates these concerns. Disparities are greatest in those counties where the concerns about crime and juvenile offending are greatest. That minority youth are more likely to be affiliated with groups identified by police and law enforcement authorities as "gangs," may have the unintended effect of increasing concern among some law enforcement officers and other legal officials about community problems caused by youth of color and the need to control those problems effectively. A result may be differential treatment of minority youth at the earliest stages of the juvenile justice system.

Further, remedies must focus on the specific causes of disproportionality. While the remedies must be general so as to ensure equally effective application across counties with common problems, they must target the causes of disproportionality at each stage of the administration of juvenile justice. Because the causes vary by stage, a variety of remedies is warranted. No single remedy will eliminate entirely the disparate treatment of youth of color. Further remedies designed to reduce disparities at a single stage of processing may have little or no impact on disparities occurring at other stages. However, the findings of the present study indicate that much of the disproportionality witnessed in the administration of juvenile justice occurs prior to adjudication --- in decisions to detain and prosecute youth. Remedies must focus on these stages of processing.

While prejudicial attitudes held by officials in some counties may foster racial and

ethnic differences in the treatment of youth of color, remedies should not target individuals. There is no concrete evidence in this study that such attitudes directly effect the handling of minority youth. Indeed, racial and ethnic differences in rates of referral, detention, diversion, prosecution, adjudication and sentencing are the product of community characteristics and the structure and operation of laws and policies that comprise the juvenile justice system. Focusing on the prejudicial attitudes and actions of individuals, oversimplifies a very complex problem. Remedies must instead focus on the operation of laws and policies that either directly or indirectly place youth of color at a disadvantage in the administration of juvenile justice.

Finally, remedies must consider the special needs and problems of communities with large populations of color. These communities may experience acute problems -- such as more extreme levels poverty and higher rates of crime -- that either directly or indirectly increase the likelihood that youth of color will be arrest or cited and referred to the juvenile justice system. Racial and ethnic differences in levels of educational and familial support for youth accused of offenses must also be considered. These differences may inadvertently contribute to the high rates of detention experienced by minority youth and the subsequent effects of detention in terms of higher rates of adjudication and harsher penalties at sentencing. To ignore these problems and their effects, would be to ignore the possibility that institutionalized racism in society and in the administration of juvenile justice contributes to disproportionality in the handling of juvenile offenders.

Recommendations for Policy Initiatives

The study findings suggest eight recommendations for major policy initiatives to assist in improving the administration of juvenile justice in Washington State and in reducing levels of unwarranted racial and ethnic disproportionality in the prosecution,

adjudication and sentencing of youth.

*Improved Procedures for the Collection and Analysis of
Information on Youth Referred, Prosecuted, Adjudicated and
Sentenced in the Juvenile Courts.*

There is need for a single, statewide automated information system allowing routine collection and analysis of data on youth processed through the juvenile courts in all counties in Washington State. This may be achieved either through significant enhancements and improvements in the existing information system maintained by the Office of the Administrator of the Courts (OAC), JUVIS, or through the development of a new system with new data collection and analysis procedures. Presently, counties vary significantly in the amount of information entered into JUVIS. For example, King County has relied on its own information system until quite recently, submitting only minimal information to JUVIS on any of the cases processed through the King County Juvenile Court.

A related concern is that much of the information on the social backgrounds of youth in existing automated systems (JUVIS and King County) is unreliable and frequently missing. In many counties, particularly those with extremely restricted budgets, this matter reduces to an issue of staffing -- no staff are made available to enter social history data. Further, counties may vary in the definitions of critical events in the juvenile justice process, thereby making interpretation of data on those events extremely difficult. For example, some counties differ how they define a "referral" to juvenile court, submitting information to JUVIS only on those cases which meet their idiosyncratic definition.

Finally, neither JUVIS nor the system maintained in King County readily permit the "tracking" of youth through the different stages of the juvenile justice system. Designed for solely administrative record keeping, the systems make research on issues such as disproportionate or disparate treatment of youth across different stages of the system extremely difficult. Improvements are needed which will facilitate research on youth prosecuted and adjudicated for crimes in Washington State. To the extent that any improvements in JUVIS are incorporated into the existing plan of the OAC to integrate JUVIS with the existing adult information system (SCOMIS), those improvements should be strongly supported.

Extensive and Routine Diversity Training for Law Enforcement and Juvenile Justice Officials

There is need across all aspects of the juvenile justice system for greater cultural awareness of racial and ethnic differences in our society. Municipalities and counties, in conjunction with the state, must develop and implement procedures for extensive and routine diversity and cultural awareness training for all law enforcement and juvenile justice officials. Officials should receive this training through established organizations such as the state's Criminal Justice Training Commission or Board of Trial Education. It is imperative that the training involve prolonged and meaningful discussion and analysis of job-related issues pertaining to racial and ethnic relations in the administration of juvenile justice. Further, the training should be repeated periodically -- perhaps every two or three years -- to ensure that it has a significant impact on work-related behaviors involving the treatment of racial or ethnic minorities.

A related concern involves foreign language training for officers and officials working in municipalities or counties with large populations of non-English speakers. Many

of the racial and ethnic problems that occur in these communities are rooted in poor communication between persons from different racial or ethnic backgrounds. While it is unreasonable to expect that all officers or staff of juvenile justice agencies receive foreign language training, improved foreign language skills could be included as part of periodic diversity and cultural awareness training.

One possible approach to implementing such training on a statewide basis is to establish requirements for continuing professional education, like that required for legal professionals, among law enforcement and juvenile justice officials. Established by the state, the requirements could be used to ensure that officers and officials receive education and training on problems specific to race and ethnic relations in the administration of juvenile justice. Funding for this continuing education program must be shared by the state, counties and municipalities. Further, officers and officials should receive work-related credit for successful completion of continuing education either in the form of pay, compensatory time or consideration at the time of promotion.

*Improved Procedures for the Dissemination of Information about
the Administration of Juvenile Justice*

Counties must develop, in conjunction with the state, mechanisms for communicating more effectively with youth and their parents about the administration of juvenile justice. When accused of juvenile offenses or crimes, youth must often make decisions about legal proceedings -- that is, abiding by diversion agreements, pleading guilty to offenses, abiding by the conditions of probation or parole -- that often have significant, long-term implications. These decisions are typically made in conjunction with parents and legal counsel. However, often youth and their parents have extremely limited knowledge of how the juvenile justice system operates or the consequences of particular decisions made as a case progresses through the system. Such ignorance complicates the work of juvenile

justice officials and may have adverse consequences for youth accused of offenses. For example, if parents or immediate relatives fail to appear and participate in juvenile court proceedings, not understanding the significance attached to familial participation, youth will be at a disadvantage in decision-making on detention, prosecution, adjudication and sentencing.

The need for more effective communication is particularly salient in those instances where parents are non-English speakers. Often police and juvenile justice officials must rely on the accused youth to communicate on their behalf with his or her parents about the offense in question. This is problematic because officials and parents are often unable to develop collaboratively remedies to a particular youth's problems. Cultural differences between the parents and officials may further complicate this problem. If parents are recent immigrants from countries or regions where law enforcement officials are often inconsistent or not trusted, they may be reluctant to assist or work closely with police or juvenile court staff.

To improve communication about the juvenile justice system on a statewide basis, educational media must be developed with state funds that describe how youth are processed through the system and the different roles parents and relatives must play in assisting their sons or daughters. The media should be multi-lingual to ensure accessibility to a variety of non-English speaking groups. Further, it should be made available to youth and their parents at the earliest possible stage of processing.

*Revision of RCW 13.40.040 Specifying Criteria for
Use in Detention Decisions*

The current statute specifying the grounds for detention prior to adjudication (RCW 13.40.040) states that:

"A juvenile may not be held in detention unless there is probable cause

to believe that:

(a) The juvenile has committed an offense or has violated the terms of a disposition order; and

(i) The juvenile will likely fail to appear for further proceedings; or

(ii) Detention is required to protect the juvenile from himself or herself;
or

(iii) The juvenile is a likely threat to community safety; or

(iv) The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or

(v) The juvenile has committed a crime while another case was pending,
or

(b) The juvenile is a fugitive from justice, or

(c) The juvenile's parole has been suspended or modified; or

(d) the juvenile is a material witness."

This section of the state's juvenile justice code must be revised to include factors or criteria judges and court officials may consider in determining whether youth are likely to "fail to appear," require protection from themselves, or represent a "likely threat to community safety." Presently, court officials must make these determinations without the benefit of systematic knowledge about factors most strongly associated with each of these problems. Although most courts have recently developed risk assessment procedures and standards for detention decisions, there may exist variation across counties in the standards and procedures developed. Further, individual judges within jurisdictions may vary in how they apply these standards or procedures. As a result, detention decisions may indeed be based on factors such as school attendance or parental participation in juvenile proceedings which, in fact, may be weakly related to the likelihood of any of the problems occurring. Further, these factors are not racially or ethnically neutral and may unfairly influence the likelihood that

minority youth are detained prior to adjudication. *Criteria for detention decisions must be based in the behavior patterns of youth rather than their status characteristics.* The purpose of the revised standards would be to ground detention decisions in criteria -- for example, the actual likelihood of failure to appear based upon prior experience -- that accurately predict failure to appear, harm to oneself, or the commission of offenses while released or on bond pending adjudication.

*Revision of RCW 13.06 Specifying Conditions on
Use of Consolidated Juvenile Services Funds*

There exists a compelling need to encourage individual juvenile courts to develop and adopt programs that will reduce levels of disproportionality within their own counties. Each biennium the state provides funds to counties for the purpose of supporting programs in the administration of juvenile justice. Specified as "Consolidated Juvenile Services Funds (CJS funds)," the monies are used according to provisions specified in RCW 13.06. The funds are provided (RCW 13.06.010):

"...to increase the protection afforded the citizens of this state, to require community planning, to provide necessary services and supervision for juvenile offenders in the community when appropriate, to reduce reliance on state-operated correctional institutions for offenders whose standard range disposition does not include commitment of the offender to the Department, and to encourage the community to efficiently and effectively provide community services to juvenile offenders through consolidation of service delivery systems."

In the 1991-1993 biennium CJS funds amounted to approximately \$26.7 million, with the majority of the funds devoted to special programs for "at risk" youth. These youth include serious offenders who are allowed to remain in the community, middle offenders residing in community under probation supervision and minor offenders.

A major objective of the CJS program is to increase levels of comprehensive juvenile justice planning within counties and regions of the state for effectively dealing with these special populations of youth. These funds should also be used to assist and encourage counties in addressing the specific causes of disproportionality at the county-level. These funds are presently allocated to counties in accordance with Department of Social and Health Services standards. RCW 13.06.050 specifies that :

"... the distribution of funds shall be based on the following criteria: per capita income, regional or county at risk populations, juvenile crime or arrest rates, existing programs, effectiveness and efficiency of consolidating local programs towards reducing commitments to state correctional facilities for offenders whose standard range disposition does not include commitment of the offender to the department, and reducing reliance on other traditional departmental services."

In order to ensure that county juvenile justice programs address unwarranted levels of racial and ethnic disproportionality, RCW 13.06.050 must be revised. The revisions should specify additional criteria for determining the allocation of CJS funds. Among these must be the planning, development and implementation of county -level programs that are specifically designed to remedy unwarranted disproportionality. Further, the revisions should also specify that special consideration should be given to those counties with particularly serious problems of disproportionality.

Development of Uniform Principles and Practices in the Prosecution and Adjudication of Juvenile Offenses

The existence of unexplained racial and ethnic disparities at prosecution and adjudication raises grave concern about the differential treatment of minority youth in the administration of juvenile justice. That white youth are more likely than minorities to have no charges filed in their cases and, among those white youth charged, to be more likely than minorities to have the charges dismissed by the court, suggests that the provisions of the

Revised Code of Washington pertaining to juveniles, as established with the Juvenile Justice Reform Act of 1977, are being applied in an unequal manner. Greater uniformity in the prosecution and adjudication of youth may be needed. However, such uniformity may be difficult to achieve. There currently exist no provisions in the statutory law specifying precise criteria prosecutors must use in decisions to file charges or that judges must use in dismissing charges against the accused.

An initial step toward achieving greater uniformity, at least in the prosecution of juvenile offenses, may involve the development, by prosecutors and other court officials, of a systematic set of principles for the prosecution of juveniles in Washington State. Similar to principles established for federal prosecutors,³⁹ this set of principles might be developed for the purpose of promoting the reasoned exercise of prosecutorial discretion across all Washington counties and jurisdictions. Since county prosecutors have significant latitude in making decisions concerning the enforcement of the system of juvenile justice, it would seem in the interest of a fairer and more effective system that county prosecutors develop and be guided by a set of principles that summarizes appropriate considerations to be weighed and desirable practices to be followed in the handling of cases involving juveniles. The principles could be developed in conjunction with the Washington Association of Prosecuting Attorneys (WAPA) and cover such areas as initiating and declining prosecution, referral to diversion, selecting charges, and entering into plea agreements.

A related matter might also involve a closer examination than is presently possible of the precise reasons why prosecutors and judges handle cases in the manner described in this report. RCW 13.40.070 (3) specifies that prosecutors must retain written logs of cases

³⁹ See U.S. Department of Justice, *Principles of Federal Prosecution*, 1980.

in which no charges are filed, describing the reasons for not filing. It may prove useful to revise this provision of the law, specifying that prosecutors' offices and juvenile courts must annually report to the WAPA and the Office of the Administrator of the Courts respectively, providing information on the number of cases in which charges are not filed or in which charges are dismissed, the racial makeup of persons accused in these cases (without identifying any individual youth), the offenses in question and the reasons for non-filing or dismissal. These reports should be made available for subsequent research purposes.

Review and Revision of Disposition Standards in RCW 13.40.0357 to Redress Any Adverse Effects to Youth Related to Pre-Adjudication Detention

The Juvenile Disposition Standards Commission (RCW 13.40.025) must review the current application of juvenile sentencing standards. That pre-adjudication detention influences the severity of sentences imposed on youth, and specifically, the likelihood that any youth is sentenced to DJR supervision, is extremely problematic given the sentencing guidelines specified in RCW 13.40.0357. Detention should not "take on a life of its own" in any legal proceeding, particularly sentencing.

This finding may, however, reflect a larger concern than simply whether pre-adjudication detention actually influences the types of sentences youth receive. Courts may be more likely to detain youth who are not actively participating in school or whose families are ineffective or incapable of supervising them. To some court officials, these particular youth present significant and serious problems. They may be viewed either as a threat to community safety or a poor risk of returning to court for subsequent legal proceedings. Further, they may be unofficially designated as extremely problematic and in need of control. It is this designation of "problematic" or "in need of control" that may

inadvertently influence subsequent decisions made by juvenile justice officials. Youth viewed by officials as "in need of control" may have greater likelihood of prosecution, adjudication and sentences to confinement than other youth. They may also be much less likely to benefit from lenient decision-making by prosecutors, judges and probation officers.

The Juvenile Disposition Standards Commission must examine more carefully how sentencing standards are applied, focusing on whether and under what circumstances officials exercise discretion in the juvenile justice system. Based upon this examination, the Commission must then develop and propose specific revisions in the current sentencing guidelines and standards that will eliminate or remedy the inequities observed in the present study.

Develop Alternatives to Detention and Confinement for Youth

Among the concerns expressed by juvenile justice officials about disproportionality, frustration over the limited availability of alternatives to incarceration was voiced most frequently and strongly. Many felt that without additional group home facilities in some areas of the state and additional drug treatment facilities for youth whose offenses are related to problems of chemical dependency, rates of disproportionality will remain high. The Legislature, in conjunction with the Department of Social and Health Services, must examine the full range of possible alternative to detaining and incarcerating youth. Further, funding must be provided to develop these programs in areas of greatest need.

RCW 13.40.05 specifically states that courts shall impose conditions other than detention *whenever* appropriate. Among these conditions are the following:

- a) Place the juvenile in the custody of a designated person agreeing to supervise such juveniles,**

b) Place restrictions on the travel of the juvenile during the period of release,

c) Require the juvenile to report regularly to a remain under the supervision of the juvenile court, and

d) Impose any condition other than detention deemed reasonably necessary to assure appearance as required.

Court officials in counties or communities with high levels of disproportionality must be encouraged , perhaps through the mechanism of CJS funds, to develop innovative alternatives to detention and confinement. Although development of these programs falls well beyond the purview of the present study, programs which build upon the statutory conditions specified above -- i.e. identifying adults in the community who can and will effectively supervise youth in lieu of detention -- would seem to offer the most promising relief to already overburdened court officials and staff.

Finally, any policy initiatives developed in response to the problems identified in this report must emerge from the recognition that the quality and effectiveness of the system of juvenile justice must be gauged in large measure by its fairness and equity. Any departure from a fair or equitable system violates the letter and spirit of current statutes. It also undermines their effectiveness. Washington's laws were established to assist in protecting communities from serious youth crime and in deterring youth from committing future offenses. The Legislature enacted those laws on the assumption that courts would apply penalties fairly and equally across the state. The findings presented in this report seriously question whether courts have achieved such fairness and equity. The study findings must, therefore, be carefully weighed and considered with respect to the goal of actually achieving a system of juvenile justice that is fair and effective in responding to the problems of Washington's youth.

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APPENDIX 1
TECHNICAL DESCRIPTION OF PROJECT METHODS

The project is divided into three major components. Research methods discussed in this appendix pertain each of the three project components, 1) the analyses of county differences in rates of disproportionality, 2) the analyses of individual cases in the six county comparison, and 3) analyses of the qualitative contexts of disproportionality -- the interviews and observations of juvenile justice officials and community leaders.

I. County Level Analysis

The analyses for this part of the project compare county social, economic and demographic characteristics with estimates of disproportionality in juvenile justice processing.

Data and Measures

Because no single source of information contains all of the information required for the necessary analyses, our data were drawn from a variety of sources. Specifically, five sources were used: (1) **1990 -1991 Admissions to the Division of Juvenile Rehabilitation;** (2) **1990 Juvenile Arrest Data;** and (3) **1990 State of Washington Census.** (4) **1991 King County Data on Referrals to the King County Juvenile Court,** and (5) **1991 JUVIS Data on all cases referred to Juvenile Courts in Washington State.** This part of the report describes these sources, how the data were obtained, and the specific measures that we used in our analyses.

1990-1991 Admissions to the Division of Juvenile Rehabilitation.

Information on all youths admitted to the during 1990 and 1991 were provided by the State of Washington Department of Social and Health Services and DJR. These data include each youth's current and prior offense history, the county in which they were admitted, the length and dates of their sentence, as well as age, sex, and race. A total of 1,289 youths were admitted to DJR during 1990. Note that this does not represent the actual DJR population at any given time during the year. Youths who were admitted to DJR in 1989, and who were still serving their sentences during 1990 are not represented. Neither does this number represent the total number of admissions to DJR during 1990, because some youths were technically admitted multiple times for multiple offenses.

In order to examine admissions to DJR by race, and by county, we first computed the rate of confinement of youths of each racial group within each of the 39 counties in the state of Washington. This confinement rate is created by first computing the total number of youths of each racial group, in each county, who were admitted to DJR at any time during 1990 and 1991. The total for each racial group is then divided by the total number of youths of that race living in that county, and multiplied by a factor of 1000. For example, in King County x African American youths were admitted to DJR. This is divided by the number of African American youths living in King County (y), and multiplied by 1000. Thus the confinement rate for African American youths in King County is $(x)/(y) \times 1000 = z$. That is, for every 1000 African American youths living in King County, z were admitted to DJR at some time in 1990 or 1991.

The confinement rate represents the proportion of each racial group that was admitted to DJR, and allows us to make comparisons between counties whose populations vary greatly in size. In addition to the confinement rates by race, we compute a single rate for all Youths of Color combined within each county. Finally, statewide confinement rates are computed for each racial group separately, and for all Youths of Color combined. This uses essentially the same method as described above, but for the state as a whole rather than for individual counties.

1990 Juvenile Arrest Data

Data on juvenile arrests within each county were provided by the Washington State Uniform Crime Reports (WUCR) division of the Washington Association of Sheriff's and Police Chiefs. The WUCR compiles arrest data submitted monthly by Washington Law Enforcement agencies, and in turn submits these to the Uniform Crime Reports section of the Federal Bureau of Investigation. These reports include the total number of juvenile and adult arrests, by sex, by race and ethnicity, and by type of offense, within each county during 1990. The participation of law enforcement agencies in the WUCR program is voluntary, but most comply, so that 99% of the population of the state of Washington is represented by participating agencies (Crime in Washington State, 1990).

1990 State of Washington Census

Demographic data for each county in Washington state are drawn from the 1990 Census of Housing and Population, collected by the Bureau of the Census. The 1990 Census data provide the most reliable measures available of the numbers of persons, by age, sex, race, and ethnicity, in each county. The Census measures 5 race categories: (1) White; (2) Black; (3) American Indian, Eskimo, or Aleutian; (4) Asian or Pacific Islander; and (5) Other. In addition, the number of persons, of any race, who are of Hispanic origin is measured as well. The Census data also include measures of household composition within each county, by race and ethnicity. (Bureau of the Census, 1991).

1991 King County Referral Data

Information was also collected from the automated data files maintained by the King County Juvenile Court. Data on cases processed in King County came in 3 primary files that contain 1) all referral records for youth referred to the King County prosecutor between 1/1/1980 and 4/15/1992; 2) gender, age, race, and home address of each individual in the previous file; and 3) data on all movements in and out of the King County detention facility for the above dates.

Data on individuals with 1991 referrals were extracted for those with valid "offender" referrals during 1991, screening out dependency cases, and "false" referrals created for running record checks. The extraction procedure used this list to extract all referral records for these individuals, including prior referrals, and any 1991 referrals that are carried over into 1992. Current (1991) referral records were then saved and all prior referral records for those individuals also saved along with information on each individual's gender, age, race, and home address and their detention experiences.

These data were combined, at the aggregate level, with data obtained from JUVIS on other counties in the state. Included in these data were rates of referral, diversion, prosecution, adjudication, and sentencing for individuals referred to King County in 1991.

1991 JUVIS Referral Data

Information on youth processed through the juvenile courts in all but King County were obtained from JUVIS. There are 5 files that contain the following types of information on all juveniles referred for prosecution, in all counties except King, from January, 1979 to March, 1992:

1) JUVIS_MASTER.DAT

Contains personal identifiers, demographic data, and offenders' home address. Social data are poor.

2) JUVIS_REFER.DAT

Contains referral information, such as dates, referring agency, court district, and referral type.

3) JUVIS_REASON.DAT

Contains all offense information (referral reasons), including incident date AND all legal action (intake action, filing of charges).

4) JUVIS_DISPOS.DAT

Contains all dispositions applied to the referrals. This includes the type of sentence imposed, but not the amount or length of sentences. The latter are unavailable.

5) JUVIS_HEARING.DAT

Contains all court activities and appearances.

The current project analyzed 1991 referrals only. However, because prior histories are essential to the project it was necessary to extract all data prior to 1991 for those individuals who were referred in 1991. Extraction procedures identified all persons who have criminal offense referrals originating in 1991, regardless of the offense date, and then extracts all information from all 5 data files for those individuals.

Data are saved in the following raw files:

(1) JUVIS_MASTER_91.DAT

(2) JUVIS_REFER_91.DAT; JUVIS_REFER_PRE91.DAT

(3) JUVIS_REASON_91.DAT; JUVIS_REASON_PRE91.DAT

(4) JUVIS_DISPOS_91.DAT; JUVIS_DISPOS_PRE91.DAT

(5) JUVIS_HEARING_91.DAT

Referrals were "screened out" at several points in the process of developing final JUVIS data files. While the initial extraction selected only persons with 1991 offender referrals, many of them also have non-offender referrals in and prior to 1991 (e.g. dependency referrals). These were screened out. Other "non-valid" referrals include such things as courtesy supervision for other states, disposition reviews, and other court motions (e.g. when the offender reaches age 19 a referral is created for the purpose of destroying the record). Finally, additional referral reason codes are often created solely for the purpose of adding additional disposition codes beyond the maximum allowed by the JUVIS system. These referrals and reasons were screened out.

After this screening were then matched. At this point, a final "screening" was necessary to identify "diversion rejections". Referrals that were initially diverted but then rejected, either by the offender or by the community agency handling diversions, will appear as 2 unique referrals. The initial referral may appear to be a diversion, but a subsequent referral (not necessarily consecutive) will appear with a reason code=997 or 1020 or 1021, and may be dismissed or filed (typically the former). Furthermore, in some cases an offender's 1st referral in 1991 is a rejection of a referral that originated in 1990. Because we wish to analyze only referrals that originated in 1991, the latter are dropped. Also, for sampling cases we wished to identify referrals based on their final outcome (filed; not filed; sentenced to DJR). Through a fairly complex procedure, we attempted to identify the referrals that resulted in diversion rejections, recode the disposition accordingly, and drop the 2nd referral.

County-Level Disposition Rates

The following procedures were used in the computation of rates of DJR admission and confinement. Similar procedures were used for computing county level rates of dispositions at other stages of the juvenile justice process (referral, prosecution, diversion, detention, adjudication and sentencing rates) from King County and JUVIS data. This section of the appendix also discusses some of the problems associated with the analysis of race and ethnicity across different sources of information used in the study.

In order to examine admissions to DJR by race, and by county, we first computed the rate of confinement of youths of each racial group within each of the 39 counties in the state of Washington. This confinement rate is created by first computing the total number of youths of each racial group, in each county, who were admitted to DJR at any time during 1990. The total for each racial group is then divided by the total number of youths of that race living in that county, and multiplied by a factor of 1000. For example, in King County x African American youths were admitted to DJR. This is divided by the number of African American youths living in King County (n), and multiplied by 1000. Thus the confinement rate for African American youths in King County is $(x)/(y) \times 1000 = z$. That is, for every 1000 African American youths living in King County, z were admitted to DJR at some time in 1990.

The confinement rate represents the proportion of each racial group that was admitted to

DJR, and allows us to make comparisons between counties whose populations vary greatly in size. In addition to the confinement rates by race, we compute a single rate for all minority youth combined within each county. Finally, statewide confinement rates are computed for each racial group separately, and for all minority youth combined. This uses essentially the same method as described above, but for the state as a whole rather than for individual counties.

Arrest rates were computed somewhat differently. All minority arrest rates were computed by summing the arrests for Black, Indian, Asian, and Hispanic youth, then dividing by the minority juvenile population (NWU18) which is the sum of these same juvenile populations from the 1990 census. It is necessary to combine youths of color because many counties have few or no admissions for most race categories. Perhaps more importantly, we are interested in comparing the treatment of "youths of color" to white youths, therefore we need to include Hispanics.

This is problematic because "Hispanic" is not a race category, but an ethnic origin. The arrest data are reported as such, as are the census data. The arrest rates for hispanic youth are, therefore, conceptually correct, with the same population in the numerator and in the denominator. The "Minority" (youths of color) rates, as well as the white arrest rates, are (and must be) subject to error because many Hispanic youths are also "White". Likewise, the confinement rates are subject to error as well.

Specific ramifications of these problems are as follows. First, some individuals are included in both the white arrest rate, and the minority arrest rate (white-hispanics). Not only does this confound the populations that we wish to compare, but the degree of overlap varies by county. The percentage of Hispanics who report themselves as White ranges from 20% to 70+%. (most report themselves as either "white" or "other", with very few Black, American Indian, or Asian. Furthermore, we have no way of knowing how the police determine race and ethnicity. Therefore, the degree of "error" is inestimable, and may not be random.

In some counties, the white rate will be heavily influenced, and underestimated, due to a large # of white-hispanics. In others, white and minority will more accurately reflect the distinction between youths of color and white/european youths. The ratios of minority to white arrests will similarly be effected. In counties where most hispanics are white, any disparity in arrest rates may actually be overestimated due to the artificially low rate for whites.

Second, the rates of confinement are also subject to error. The rate for whites will be underestimated in counties with a large white-hispanic population. The ratios of minority to white confinements and admissions may therefore be overestimated, as in the case of the arrest ratios. The white confinement rate will not be affected in the same way as the white arrest rate, however, because the number of white confinements does not include hispanic youths. Therefore this rate is likely to be underestimated to a greater extent than the arrest rate.

In summary, the minority juvenile population (NWU18) as is defined as Black, Native American, Asian, and Hispanic youth. This excludes the "Other" race category, which overlaps largely with the Hispanic population. This definition is used for both the

confinement and arrest rates.

Predictor Variables

To examine the relationship between characteristics of counties and the rates of confinement of youths in each county we computed several measures. These include: (1) juvenile arrest rates; (2) the minority concentration in the population; (3) growth in the minority population between 1980 and 1990, (4) the violent crime rate and change in the violent crime rate, (5) the degree of urbanization in the county, and 6) racial economic inequality.

An example illustrates how the measures were computed. Juvenile arrest rates within each county were computed for White youths and for Youths of Color as an overall measure of juvenile offending within each county. Rates were computed for total arrests, and for violent arrests, by dividing the number of arrests reported to the WUCR by the number of youths living in each respective county as reported by the 1990 Census. That is, the total arrest rate for White youths in a county was defined as the total number of arrests of White youths (not including status offenses) divided by the number of White youths living there. The violent arrest rate includes only arrests for murder, manslaughter, rape, robbery, aggravated assault, and other assaults. Finally, the minority concentration in the population of each county was defined simply the total number of minorities divided by the number of people in the total population. This includes both adults and juveniles.

II. Individual-Level Analysis

Sampling

Separate sampling strategies were employed for the two main sources of the samples: 1) the King County management information system and 2) the JUVIS system maintained by the OAC.

King County

A sample of cases referred in King County (KC) during 1991 was drawn from the full referral file for the purpose of coding social data from the social files at the Department of Youth Services. Of the 9,619 individuals referred in 1991, 9,581 had an initial referral that is valid (i.e., criminal offenses, that are not courtesy supervision for another jurisdiction). Of these, charges were filed on 3,462 (6119 either dropped w/o further action, or formally diverted) with 2,106 filings for felony offenses.. Unfortunately, disposition and sentence data are incomplete for those who were charged. Legal dispositions are present for 2,625 of the 3,462 filings. Sentence data are present for merely 1,279, though at least 1,392 were adjudicated guilty (based on available dispositions).

In order to ensure an adequate number of cases by race, and at all stages of processing, a disproportionately stratified sample was drawn. Equal numbers of white and minority youths were sampled, thus oversampling minority youths. Drawing from the first 1991 referral for each youth, cases are sampled at 3 stages: (1) cases referred, but not charged; (2) cases charged, but not sentenced to DJR; (3) cases charged and sentenced to DJR. We also

oversampled on felony cases, in order to maximize the potential for retrieving social history data from the social files.

JUVIS samples for Pierce, Yakima, Snohomish, Spokane and Kitsap Counties

Samples of cases were drawn from each county for collection of social data. Five district/county files were created by selecting from juvis master data files. In Pierce, 400 cases were sampled, 300 were sampled from Spokane and Yakima. In Snohomish and Kitsap counties 225 were drawn.

Cases were sampled at 3 stages of processing through the court:

- Stage I = referrals that were not filed on;
- Stage II = filed on, but not sentenced to DJR;
- Stage III = referrals charged and sentenced to DJR.

Due to the relatively small number of youths sentenced to DJR in these counties (Pierce county has the most, with 131) compared to King county, the Stage III sample includes all youths sent to DJR in 1991. The Stage I and II samples are drawn from all individuals (rather than all referrals) who have not been sentenced to DJR at any time in 1991. To prevent drawing a person more than once, the first 1991 referral only was drawn for each person. These samples are further stratified by Race (WHITE/MINORITY), and by seriousness of offense (FELONY/MISDEMEANOR). The proportions of cases in each cell varies from county to county, depending on the number of youths sent to DJR, and the number of minority youths in each of the categories (filed-not filed/misdemeanor-felony).

In each county, roughly twice as many Stage II cases as Stage I were sampled, approximately twice as many felony cases as misdemeanors, and across each stage we attempted to draw equal numbers of white and minority youths, thus oversampling minorities. Cases were oversampled in this way in order to maximize the likelihood of obtaining detailed social data. Social files are more complete for more serious offenders, and for offenders who are processed further through the courts. Finally, a backup sample was drawn from each county; a backup of 100 cases at stage I and 100 at Stage II.

Data Collection

Before data collection at the six county sites could begin, a data collection instrument and coding manual were created - and then refined as necessary after initial use in practice cases (see Appendix IV). Students who were hired to collect data from the sites were trained by reading actual files from several of the counties in the study, with feedback provided by the Project Director and the Data Coordinator to promote accuracy and uniformity in coding. Further, before the data collection team visited each county in the study, a list of systematically drawn cases from the JUVIS files was forwarded to the court personnel in order to facilitate the gathering of case files and the procurement of physical space in which to read and code these files.

Upon arrival at each court included in the study, coders were given a space in which to

work, and procedures were established by which active files might be gathered for inclusion in the study (the availability of active files varied from county to county). After cases were read and coded, the data coordinator then checked each coding form for completeness and accuracy. When cases were not made available for coding, or if a case was included erroneously in the sample, replacement cases were drawn for the study from backup lists available. Data were entered into the computer by the members of the data collection team.

Probably the greatest impediment to the collection of data for the project was, of course, the frequent incompleteness of the juveniles' social (and sometimes legal) files. Information on case outcomes was not kept current, so it was often necessary to look up cases in the computer to check on the status of referrals included in the study. The overall organization and readability of files was inconsistent across counties, as well. Further, police reports often do not specify the exact degree of the crime being investigated, so in order to fill in items relating to the crime at arrest, several "generic" categories were created.

'3333' = nonspecific sex crime (severity coded as '33')

'4444' = nonspecific violent crime (severity coded as '44')

'5555' = nonspecific property crime (severity coded as '55')

'6666' = nonspecific other crime (severity coded as '66')

One issue raised by a probation officer in Kitsap County (but which is relevant in all the counties) is that of Native American offenders and crimes committed on Reservations. That is, these crimes do not appear on 'official' records of juveniles outside of the Reservation, and one may therefore encounter an offender with a negligible record who actually has an extensive criminal history (that is ignored when calculating offense points and sentence length). This Probation Officer suggested that as a possible solution, Reservations might be considered the equivalent of incorporated cities when establishing jurisdiction and considering criminal histories.

Data Analysis Procedures

The data analysis for this part of the project involved a series of multivariate statistical analyses of outcomes of cases at different stages of the juvenile justice process. The analysis of counties and county characteristics (Chapter II) used multiple regression procedures, relying on ordinary least squares regression of logged dependent and independent variables. The results of these analyses, for white and youth of color are reported in Tables 2.9.1-2.9.8. Selected variables were included in the separate regression analyses depending upon the appropriateness of their inclusion for the model being estimated.

The analyses of individual case characteristics and the outcomes of the sample cases (Chapter III) used a series of logistic regressions corresponding the major stages of points of processing in the state juvenile justice system. The results of these analyses, for white and youth of color are reported in Tables 3.1-3.13. Hazard rates were introduced into the analysis at every stage except the first (the analyses of detention decisions). These rates adjust for the possible effects of sample selection bias at subsequent stages in the juvenile justice process. Regression coefficients corresponding to these rates are reported where significant. Also, slope or "intercept" terms for the logistic regression analyses were omitted

from the tables purely for reasons of parsimony.

The analyses of classification decisions by DJR -- that is, assignment to correctional facilities and length of term served (Chapter III) -- used a series of ordinary least squares regressions of the variables in question. The results of these analyses are reported in Tables 3.14-3.17.

III. Analysis of Qualitative Contexts

Interviews

The interview population consisted of leaders in the minority community, criminal justice personnel, prosecutors, judges, police chiefs, police officers, attorneys, probation officers/counselors, correctional institutional staff, youth outreach workers. A reputational sampling frame was employed for community leaders used in conjunction with snowballing to generate additional respondents. Snowballing involves referral from people who were selected from an original list developed by a consultant. Referrals were interviewed if their name came up at least twice in interviews with initial sample or if their position was integral to the juvenile justice system. In each of the six target counties -- King, Pierce, Yakima, Kitsap, Snohomish and Spokane -- interviews were also conducted with the Director of each county's juvenile court, at least one attorney from the office of the prosecutor, judges, police officers including many police chiefs, public defenders and private attorneys, probation officers, and detention staff.

Over the course of the project, one-hundred and seventy (170) individuals were interviewed in the six counties, the majority from King, Pierce, Yakima, Spokane and Snohomish counties. Approximately 80 percent of these interviews were face to face, 20 percent were over the phone. Many of the individuals were interviewed more than once. During the course of the field work, we have had informal discussions with approximately fifty other persons connected with the juvenile justice system.

Observations

Project staff also conducted courtroom observations over the course of one month in King, Pierce, and Yakima counties. Further, the Project Director, Dr. Conley, and an undergraduate research assistant, fluent in Spanish, accompanied police on rides in King, Pierce, Yakima, and Spokane counties. Approximately 60 hours of police observations were completed on the ride-alongs. The court room observations and police ride-alongs were additional components of projects to assist in observing courtroom and police behavior with minority youth and adults and to assist in collecting information for use in formal interviews. Using the data collected from field notes in the observations and ride-alongs, we were able to formulate questions to use in interviews with juvenile court personnel and police personnel and for focus group/group interviews with juveniles in institutional settings

Focus Groups

The project conducted interviews of youth institutionalized at Green Hill School. Youth

were interviewed using focus groups, a group interviewing method in which respondents are interviewed in a collective setting. Three groups of youth with approximately eight (8) youth in each group were interviewed over the course of one day. This interviewing method was used for three reasons. First, project staff felt that youth who are currently incarcerated might not be willing to discuss issues involving racial discrimination in the juvenile justice system individually. Even though respondents were promised confidentiality, it would be hard to protect their anonymity since the institutional staff would know which juveniles we interviewed. Second, previous studies of adolescents have found that adolescents are much more talkative in groups with their peers than individually. Third, individuals do not form their perceptions and opinions about racism and discrimination in isolation, these perceptions form in groups. Through the use of focus groups it was possible to observe the interaction between minority youth and hear how they formulate conceptions of racism. For instance, some youth will immediately charge that the system is racist, while others will choose alternative explanations. Likewise youth will have had different experiences with respect to racism. Finally, informal discussions held with other young males who had been involved in the juvenile justice system revealed that they were distrustful of persons they did not know. It was felt that the focus group approach would facilitate discussion with these types of youth.

APPENDIX 2
SUPPLEMENTARY STATISTICAL TABLES -- CHAPTER II
COUNTY CHARACTERISTICS

TABLE 2.1
COUNTY DIFFERENCES IN RACIAL/ETHNIC DISPROPORTIONALITY
IN ARRESTS FOR FELONIES AND MISDEMEANORS*

County	Odds of Arrest for Youth of Color Compared to White Youth			
	Black/ White Odds	Native/ White Odds	Asian/ White Odds	Hisp./ White Odds
Adams	0.0	0.6	0.2	0.3
Asotin/Garfield	0.0	0.5	0.0	0.1
Benton/Franklin	2.3	0.1	0.2	0.7
Chelan	4.1	1.4	0.3	0.3
Clallam	1.9	0.8	0.1	0.2
Clark	3.0	0.3	0.4	0.2
Columbia	0.0	0.0	0.0	0.0
Cowlitz	2.3	0.2	0.7	0.2
Douglas	0.0	0.8	0.0	0.4
Ferry	0.0	0.0	0.0	0.0
Grant	2.6	2.2	0.0	0.9
Grays Harbor	1.6	1.1	1.0	0.1
Island	0.9	0.5	1.0	0.6
Jefferson	0.0	0.0	0.0	0.0
King	1.5	0.9	0.4	0.2
Kitsap	0.8	1.2	0.3	0.5
Kittitas	1.3	0.5	0.0	0.4
Klickitat	7.2	0.1	0.0	0.2
Lewis	0.9	0.4	0.0	0.2
Lincoln	31.1	0.6	0.0	0.0
Mason	1.2	1.0	0.9	0.1
Okanagon	3.9	1.3	0.3	0.4
Pacific/Wahkiakum	0.0	0.0	0.4	0.0
Pend Orielle	0.0	0.0	0.0	0.0
Pierce	3.2	2.0	1.1	0.1
San Juan	0.0	0.0	0.0	0.0
Skagit	1.4	0.6	0.4	0.6
Skamania	27.4	1.9	0.0	0.0
Snohomish	2.7	1.0	0.5	0.2
Spokane	4.3	2.3	0.6	0.4
Stevens	0.0	0.2	0.0	0.0
Thurston	1.8	0.3	0.4	0.0
Walla Walla	1.0	1.0	0.3	0.2
Whatcom	1.8	2.0	1.0	0.3
Whitman	2.1	0.0	0.2	2.4
Yakima	3.1	0.4	0.3	0.7

* Asotin/Garfield, Benton/Franklin and Pacific/Wahkiakum correspond to the juvenile court districts that serve combined counties.

TABLE 2.2
COUNTY DIFFERENCES IN RACIAL/ETHNIC DISPROPORTIONALITY
IN REFERRALS TO JUVENILE COURT*

County	Odds of Referral for Youth of Color Compared to White Youth			
	Black/ White Odds	Native/ White Odds	Asian/ White Odds	Hisp/ White Odds
Adams	0.0	1.8	0.0	1.9
Asotin/Garfield	0.0	0.0	0.0	0.0
Benton/Franklin	3.2	0.4	0.4	1.1
Chelan	5.6	1.1	0.6	0.7
Clallum	0.5	1.0	0.0	0.2
Clark	3.1	1.0	0.6	0.9
Columbia	0.0	0.0	0.0	4.0
Cowlitz	3.6	0.9	0.4	0.4
Douglas	5.6	2.2	0.0	0.7
Ferry	0.0	1.7	0.0	0.0
Grant	4.6	2.5	0.5	1.3
Grays Harbor	1.1	0.4	0.1	0.2
Island	1.7	0.5	1.1	0.6
Jefferson	2.4	1.1	0.0	0.3
King	6.6	2.2	1.0	0.9
Kitsap	3.8	1.1	0.7	0.2
Kittitas	2.0	0.0	0.6	0.6
Klickitat	2.4	0.6	0.0	0.8
Lewis	7.2	3.2	1.0	0.6
Lincoln	0.0	0.0	0.0	0.0
Mason	6.1	0.7	0.5	0.3
Okanogon	2.5	2.0	0.5	1.0
Pacific/Wahkiakum	6.4	0.2	0.8	0.7
Pend Orielle	49.2	5.8	0.0	15.4
Pierce	2.7	1.9	1.0	0.7
San Juan	0.0	0.0	0.0	0.0
Skagit	1.7	0.7	0.2	1.1
Skamania	0.0	0.0	0.0	0.0
Snohomish	2.7	1.1	0.5	0.5
Spokane	4.5	1.2	1.0	0.8
Stevens	11.1	0.6	0.0	0.0
Thurston	2.6	1.2	0.6	0.6
Walla Walla	0.0	0.0	0.0	0.6
Whatcom	2.1	3.2	0.6	0.4
Whitman	13.9	0.0	0.0	0.0
Yakima	3.7	1.0	0.3	1.7

* Asotin/Garfield, Benton/Franklin and Pacific/Wahkiakum correspond to the juvenile court districts that serve combined counties.

TABLE 2.3
COUNTY DIFFERENCES IN RACIAL/ETHNIC DISPROPORTIONALITY
IN DETENTION PRIOR TO ADJUDICATION*

County	Odds of Detention for Youth of Color Compared to White Youth			
	Black/ White Odds	Native/ White Odds	Asian/ White Odds	Hisp/ White Odds
Adams	0.0	0.0	0.0	0.0
Asotin/Garfield	--	--	--	--
Benton/Franklin	4.0	1.4	0.4	2.1
Chelan	14.6	2.1	1.2	1.1
Clallum	0.0	0.8	0.0	0.6
Clark	3.7	1.4	0.9	0.8
Columbia	--	--	--	--
Cowlitz	3.6	0.5	0.0	0.6
Douglas	0.0	21.0	0.0	1.4
Ferry	--	--	--	--
Grant	5.9	3.6	0.0	1.0
Grays Harbor	0.0	0.0	0.0	0.0
Island	0.0	0.0	3.8	4.7
Jefferson	--	--	--	--
King	10.4	4.9	1.1	1.5
Kitsap	26.0	0.0	0.0	0.0
Kittitas	0.0	0.0	0.0	0.0
Klickitat	0.0	0.0	0.0	1.6
Lewis	3.7	1.5	0.0	0.0
Lincoln	--	--	--	--
Mason	0.0	0.0	0.0	0.0
Okanogon	0.0	3.7	0.0	1.5
Pacific/Wahkiakum	--	--	--	--
Pend Orielle	0.0	0.0	0.0	0.0
Pierce	3.2	1.6	1.2	0.8
San Juan	0.0	0.0	0.0	0.0
Skagit	4.8	0.0	0.0	2.2
Skamania	--	--	--	--
Snohomish	4.2	1.1	0.7	0.4
Spokane	3.5	1.0	0.8	0.9
Stevens	0.0	0.0	0.0	0.0
Thurston	2.5	1.0	0.8	0.8
Walla Walla	0.0	0.0	0.0	0.0
Whatcom	2.1	4.2	0.0	0.0
Whitman	--	--	--	--
Yakima	5.3	0.9	0.4	1.9

* Asotin/Garfield, Benton/Franklin and Pacific/Wahkiakum correspond to the juvenile court districts that serve combined counties.

TABLE 2.4
COUNTY DIFFERENCES IN RACIAL/ETHNIC DISPROPORTIONALITY
IN DIVERSION*

County	Odds of Diversion for Youth of Color Compared to White Youth			
	Black/ White Odds	Native/ White Odds	Asian/ White Odds	Hisp/ White Odds
Adams	--	2.0	--	1.1
Asotin/Garfield	--	--	--	--
Benton/Franklin	0.8	1.1	1.4	0.9
Chelan	0.6	0.6	0.6	1.1
Clallum	1.7	1.0	--	0.9
Clark	0.8	0.6	1.0	0.8
Columbia	--	--	--	--
Cowlitz	0.4	0.9	1.5	0.8
Douglas	0.6	0.0	--	0.6
Ferry	--	--	--	--
Grant	1.3	1.5	0.0	1.1
Grays Harbor	0.9	1.1	0.0	0.9
Island	1.0	0.8	1.2	0.9
Jefferson	0.7	0.4	--	2.0
King	0.5	0.6	0.9	0.4
Kitsap	1.0	0.6	1.0	1.0
Kittitas	0.0	--	0.0	1.2
Klickitat	1.4	2.1	1.1	1.0
Kitsap	3.0	0.7	0.6	0.2
Kittitas	2.6	0.0	0.7	0.8
Klickitat	2.9	0.8	0.0	0.7
Lewis	3.9	2.3	1.2	0.6
Lincoln	0.0	0.0	0.0	0.0
Mason	7.3	0.9	0.6	0.4
Okanogon	3.4	2.1	0.0	1.0
Pacific/Wahkiakum	3.2	0.6	2.0	1.7
Pend Oreille	82.0	9.6	0.0	25.6
Pierce	2.3	1.4	1.0	0.5
San Juan	0.0	0.0	0.0	0.0
Skagit	1.4	0.6	0.3	1.0
Skamania	0.0	0.0	0.0	0.0
Snohomish	2.4	1.1	0.6	0.5
Spokane	3.3	1.2	0.6	0.6
Stevens	16.7	0.8	0.0	0.0
Thurston	2.1	1.3	0.8	0.6
Walla Walla	0.0	0.0	0.0	0.0
Whatcom	2.8	2.8	0.8	0.2
Whitman	27.8	0.0	0.0	0.0
Yakima	3.0	0.9	0.3	1.2

* Asotin/Garfield, Benton/Franklin and Pacific/Wahkiakum correspond to the juvenile court districts that serve combined counties.

TABLE 2.6
COUNTY DIFFERENCES IN RACIAL/ETHNIC DISPROPORTIONALITY
FOR ADJUDICATIONS OF GUILT *

Odds of Conviction for Youth of Color
Compared to White Youth

<i>County</i>	<i>Black/ White Odds</i>	<i>Native/ White Odds</i>	<i>Asian/ White Odds</i>	<i>Hisp./ White Odds</i>
Adams	0.0	3.2	0.0	2.1
Asotin/Garfield	0.0	0.0	0.0	0.0
Benton/Franklin	1.9	0.3	0.4	0.9
Chelan	7.6	1.1	1.0	0.6
Clallum	0.0	1.1	0.0	0.1
Clark	3.0	1.3	0.5	0.8
Columbia	0.0	0.0	0.0	1.9
Cowlitz	2.2	0.5	0.5	0.3
Douglas	2.7	2.3	0.0	0.7
Ferry	0.0	0.0	0.0	0.0
Grant	5.1	3.3	0.8	1.4
Grays Harbor	1.2	0.4	0.0	0.2
Island	1.6	0.0	0.6	0.8
Jefferson	2.5	1.2	0.0	0.5
King	6.2	2.4	1.0	0.9
Kitsap	2.7	0.7	0.6	0.2
Kittitas	2.9	0.0	0.8	0.6
Klickitat	3.2	0.7	0.0	0.6
Lewis	3.7	2.3	1.3	0.7
Lincoln	0.0	0.0	0.0	0.0
Mason	5.9	0.8	0.0	0.0
Okanagon	4.0	2.2	0.0	1.1
Pacific/Wahkiakum	4.1	0.7	2.5	0.7
Pend Orielle	122.9	14.5	0.0	30.42
Pierce	2.1	1.0	1.0	0.5
San Juan	0.0	0.0	0.0	0.0
Skagit	1.5	0.5	0.3	1.0
Skamania	0.0	0.0	0.0	0.0
Snohomish	2.1	0.8	0.5	0.4
Spokane	3.3	1.1	0.7	0.7
Stevens	18.0	0.9	0.0	0.0
Thurston	2.1	1.1	0.8	0.7
Walla Walla	0.0	0.0	0.0	0.0
Whatcom	3.3	2.8	1.0	0.2
Whitman	34.8	0.0	0.0	0.0
Yakima	2.5	0.8	0.3	1.1

* Asotin/Garfield, Benton/Franklin and Pacific/Wahkiakum correspond to the juvenile court districts that serve combined counties.

TABLE 2.7
COUNTY DIFFERENCES IN RACIAL/ETHNIC DISPROPORTIONALITY
IN SENTENCES TO CONFINEMENT*

Odds of Being Sentenced to Confinement for
Youth of Color Compared to White Youth

County	Black/ White Odds	Native/ White Odds	Asian/ White Odds	Hisp./ White Odds
Adams	--	--	--	--
Asotin/Garfield	--	--	--	--
Benton/Franklin	0.0	0.0	0.0	3.5
Chelan	0.0	0.0	0.0	0.0
Clallum	0.0	0.0	0.0	0.0
Clark	7.3	0.0	0.0	0.0
Columbia	0.0	0.0	0.0	0.0
Cowlitz	0.0	0.0	0.0	1.2
Douglas	0.0	0.0	0.0	0.0
Ferry	--	--	--	--
Grant	0.0	0.0	0.0	0.0
Grays Harbor	0.0	0.0	0.0	0.0
Island	7.2	0.0	0.0	0.0
Jefferson	0.0	0.0	0.0	0.0
King	12.1	6.0	0.9	1.4
Kitsap	0.0	0.0	0.0	0.0
Kittitas	0.0	0.0	0.	0.0
Klickitat	0.0	0.0	0.0	0.0
Lewis	0.0	0.0	0.0	0.0
Lincoln	--	--	--	--
Mason	0.0	0.0	0.0	0.0
Okanogon	0.0	3.1	0.0	2.4
Pacific/Wahkiakum	0.0	5.4	0.0	0.0
Pend Orielle	--	--	--	--
Pierce	5.6	0.0	0.7	0.4
San Juan	0.0	0.0	0.0	0.0
Skagit	53.5	0.0	0.7	0.4
Skamania	--	--	--	--
Snohomish	3.3	2.5	1.0	--
Spokane	0.0	0.0	0.0	0.0
Stevens	--	--	--	--
Thurston	0.0	0.0	0.0	1.2
Walla Walla	0.0	0.0	0.0	0.0
Whatcom	0.0	1.6	0.0	0.0
Whitman	--	--	--	--
Yakima	10.1	1.6	2.9	3.5

* Asotin/Garfield, Benton/Franklin and Pacific/Wahkiakum correspond to the juvenile court districts that serve combined counties.

TABLE 2.8
COUNTY DIFFERENCES IN RACIAL/ETHNIC
DISPROPORTIONALITY IN CONFINEMENT *

Odds of Confinement for Youth of Color Compared to White Youth				
County	Black/ White Odds	Native/ White Odds	Asian/ White Odds	Hisp./ White Odds
Adams	0.0	0.0	0.0	0.0
Asotin/Garfield	0.0	10.2	0.0	0.0
Benton/Franklin	1.6	0.0	0.0	3.2
Chelan	0.0	0.0	0.0	0.0
Clallum	0.0	0.0	0.0	0.0
Clark	3.2	1.2	0.0	0.8
Columbia	0.0	0.0	0.0	5.7
Cowlitz	0.0	1.6	0.0	1.0
Douglas	0.0	0.0	0.0	0.0
Ferry	0.0	0.0	0.0	0.0
Grant	0.0	0.0	0.0	0.7
Grays Harbor	0.0	3.4	0.0	0.0
Island	2.6	0.0	0.0	0.0
Jefferson	0.0	2.5	0.0	0.0
King	13.5	5.9	1.1	2.4
Kitsap	2.9	2.0	0.4	1.5
Kittitas	0.0	0.0	0.0	0.0
Klickitat	0.0	0.0	0.0	1.3
Lewis	0.0	12.0	0.0	1.3
Lincoln	0.0	0.0	0.0	0.0
Mason	0.0	0.0	0.0	0.0
Okanogon	20.3	2.6	0.0	1.3
Pacific/Wahkiakum	0.0	0.0	0.0	0.0
Pend Orielle	0.0	0.0	0.0	38.4
Pierce	2.6	1.1	1.0	3.8
San Juan	0.0	0.0	0.0	0.0
Skagit	0.0	0.0	1.2	1.2
Skamania	--	--	--	--
Snohomish	2.2	1.1	0.3	1.3
Spokane	3.8	0.0	1.2	2.5
Stevens	0.0	0.0	0.0	0.0
Thurston	3.4	0.7	0.8	1.6
Walla Walla	0.0	0.0	0.0	0.7
Whatcom	3.1	1.0	1.5	2.2
Whitman	--	--	--	--
Yakima	0.7	0.0	3.3	3.2

* Asotin/Garfield, Benton/Franklin and Pacific/Wahkiakum correspond to the juvenile court districts that serve combined counties.

TABLE 2.9.1
 REGRESSIONS OF ASPECTS OF COMMUNITY SOCIAL STRUCTURE
 ON DISPOSITION RATES BY TYPE OF DISPOSITION
 FOR WHITE YOUTH AND YOUTH OF COLOR
 (SIGNIFICANT COEFFICIENTS ONLY)¹

<i>Independent Variables</i>	<u>White Youth</u>					
	<i>Arrest Rate</i>			<i>Referral Rate</i>		
	<i>b</i>	<i>SE</i>	<i>Beta</i>	<i>b</i>	<i>SE</i>	<i>Beta</i>
Court Workload		excluded			excluded	
Arrest Rate (White Youth)		excluded				
Violent Crime Rate						
Change in Viol. Crime Rate						
Percent Pop. of Color						
Change in Percent Pop. of Color						
Racial/Economic Inequality	-1.580 ²	.792	-.428	2.735 ⁴	.768	.513
Percent Urban				.216 ²	.122	.252
Rate of White Youth with 5 or More Priors	.720 ³	.321		.647 ²	.346	.318
White Diversion Rate		excluded			excluded	
Constant	4.659	1.254		-3.205	1.418	
R ²	.297			.743		
Adjusted R ²	.084			.649		

1. All variables are logged.

2. $p < .10$

3. $p < .05$

4. $p < .01$

TABLE 2.9.2
REGRESSIONS OF ASPECTS OF COMMUNITY SOCIAL STRUCTURE
ON DISPOSITION RATES BY TYPE OF DISPOSITION
FOR WHITE YOUTH AND YOUTH OF COLOR
(SIGNIFICANT COEFFICIENTS ONLY)¹

<i>Independent Variables</i>	<u>White Youth</u>					
	<i>Detention Rate</i>			<i>Diversion Rate*</i>		
	<i>b</i>	<i>SE</i>	<i>Beta</i>	<i>b</i>	<i>SE</i>	<i>Beta</i>
Court Workload	.594 ²	.310	.423	.646 ²	.353	.270
Arrest Rate (White Youth)						
Violent Crime Rate						
Change in Viol. Crime Rate						
Percent Pop. of Color						
Change in Percent Pop. of Color				.476 ²	.271	.266
Racial/Economic Inequality						
Percent Urban				.616 ⁴	.211	.462
Rate of White Youth with 5 or More Priors						
White Diversion Rate						
Constant	-5.770	2.270		-3.08	2.59	
R ²	.430			.745		
Adjusted R ²	.186			.636		

* The diversion rate is in this table computed as the number of youth referred to diversion divided by the total number of youth referred to the juvenile court.

1. All variables are logged.

2. $p < .10$

3. $p < .05$

4. $p < .01$

TABLE 2.9.3

REGRESSIONS OF ASPECTS OF COMMUNITY SOCIAL STRUCTURE
ON DISPOSITION RATES BY TYPE OF DISPOSITION
FOR WHITE YOUTH AND YOUTH OF COLOR
(SIGNIFICANT COEFFICIENTS ONLY)¹

Independent Variables	<u>White Youth</u>					
	Prosecution Rate			Adjudication Rate [*]		
	b	SE	Beta	b	SE	Beta
Court Workload						
Arrest Rate (White Youth)	.421 ³	.202	.316			
Violent Crime Rate						
Change in Viol. Crime Rate						
Percent Pop. of Color						
Change in Percent Pop. of Color						
Racial/Economic Inequality	2.13 ³	.764	.434	2.04 ³	.831	.412
Percent Urban						
Rate of White Youth with 5 or More Priors						
White Diversion Rate	.337 ³	.132	.570	.334 ³	.143	.561
Constant	-2.76	1.763		.705	.556	
R ²	.662			.705		
Adjusted R ²	.518			.557		

* The adjudication rate refers to the rate at which youth are adjudicated guilty in juvenile court proceedings, either by guilty plea or court determination.

1. All variables are logged.

2. $p < .10$

3. $p < .05$

4. $p < .01$

TABLE 2.9.4
REGRESSIONS OF ASPECTS OF COMMUNITY SOCIAL STRUCTURE
ON DISPOSITION RATES BY TYPE OF DISPOSITION
FOR WHITE YOUTH AND YOUTH OF COLOR
(SIGNIFICANT COEFFICIENTS ONLY)¹

<i>Independent Variables</i>	<i>Sentencing Rate*</i>			<u>White Youth</u>			<i>Confinement Rate**</i>		
	b	SE	Beta	b	SE	Beta	b	SE	Beta
Court Workload									
Arrest Rate (White Youth)									
Violent Crime Rate									
Change in Viol. Crime Rate									
Percent Pop. of Color							-.278 ³	.119	-.480
Change in Percent Pop. of Color									
Racial/Economic Inequality							.929 ³	.431	.467
Percent Urban							-.168 ³	.073	-.524
Rate of White Youth with 5 or More Priors									
White Diversion Rate									
Constant	-.710	.744		-.286	.901				
R ²	.425			.466					
Adjusted R ²	.138			.238					

* The sentencing rate in this table is the rate at which youth are given sentences of commitment to DJR facilities.

** The confinement rate in this table is the number of youth ever confined in a DJR facility divided by the total number of youth in the county population.

1. All variables are logged.

2. $p < .10$

3. $p < .05$

4. $p < .01$

TABLE 2.9.5
REGRESSIONS OF ASPECTS OF COMMUNITY SOCIAL STRUCTURE
ON DISPOSITION RATES BY TYPE OF DISPOSITION
FOR WHITE YOUTH AND YOUTH OF COLOR
(SIGNIFICANT COEFFICIENTS ONLY)¹

<i>Independent Variables</i>	<u>Youth of Color</u>					
	<i>Arrest Rate</i>			<i>Referral Rate</i>		
	b	SE	Beta	b	SE	Beta
Court Workload		excluded			excluded	
Arrest Rate (Youth of Color)		excluded			excluded	
Violent Crime Rate						
Change in Viol. Crime Rate						
Percent Pop. of Color				.621 ³	.256	.344
Change in Percent Pop. of Color						
Racial/Economic Inequality				3.032 ⁴	.954	.488
Percent Urban	.576 ³	.220	.485			
Rate of Youth of Color with 5 or More Priors				.433 ²	.231	.286
Diversion Rate (Youth of Color)		excluded			excluded	
Constant	-3.117	2.205		-3.628	1.462	
R ²	.510			.732		
Adjusted R ²	.361			.634		

1. All variables are logged.

2. p < .10

3. p < .05

4. p < .01

TABLE 2.9.6
 REGRESSIONS OF ASPECTS OF COMMUNITY SOCIAL STRUCTURE
 ON DISPOSITION RATES BY TYPE OF DISPOSITION
 FOR WHITE YOUTH AND YOUTH OF COLOR
 (SIGNIFICANT COEFFICIENTS ONLY)¹

<i>Independent Variables</i>	<u>Youth of Color</u>					
	<i>Detention Rate</i>			<i>Diversion Rate*</i>		
	b	SE	Beta	b	SE	Beta
Court Workload						
Arrest Rate (Youth of Color)						
Violent Crime Rate						
Change in Viol. Crime Rate						
Percent Pop. of Color						
Change in Percent Pop. of Color				-.301 ³	.121	-.474
Racial/Economic Inequality						
Percent Urban						
Rate of Youth of Color with 5 or More Priors				-.422 ⁴	.141	-.589
Diversion Rate (Youth of Color)	excluded			excluded		
Constant	-6.109	2.371		7.082	1.076	
R ²	.505			.578		
Adjusted R ²	.293			.397		

* The diversion rate is in this table computed as the number of youth referred to diversion divided by the total number of youth referred to the juvenile court.

1. All variables are logged.
2. $p < .10$
3. $p < .05$
4. $p < .01$

TABLE 2.9.7
REGRESSIONS OF ASPECTS OF COMMUNITY SOCIAL STRUCTURE
ON DISPOSITION RATES BY TYPE OF DISPOSITION
FOR WHITE YOUTH AND YOUTH OF COLOR
(SIGNIFICANT COEFFICIENTS ONLY)*

<i>Independent Variables</i>	<i>Prosecution Rate</i>			<i>Youth of Color</i>			<i>Adjudication Rate*</i>		
	<i>b</i>	<i>SE</i>	<i>Beta</i>	<i>b</i>	<i>SE</i>	<i>Beta</i>	<i>b</i>	<i>SE</i>	<i>Beta</i>
Court Workload									
Arrest Rate (Youth of Color)									
Violent Crime Rate									
Change in Viol. Crime Rate									
Percent Pop. of Color									
Change in Percent Pop. of Color	.418 ³	.199	.358	.390 ²	.225	.345			
Racial/Economic Inequality	2.027 ³	.902	.374						
Percent Urban									
Rate of Youth of Color with 5 or More Priors	.559 ³	.242	.423	.622 ³	.274	.487			
Diversion Rate (Youth of Color)									
Constant	-5.739	2.708		-5.907	3.061				
R ²	.755			.664					
Adjusted R ²	.632			.496					

1. All variables are logged.

2. $p < .10$

3. $p < .05$

4. $p < .01$

* The adjudication rate refers to the rate at which youth are adjudicated guilty in juvenile court proceedings, either by guilty plea or court determination.

TABLE 2.9.8
REGRESSIONS OF ASPECTS OF COMMUNITY SOCIAL STRUCTURE
ON DISPOSITION RATES BY TYPE OF DISPOSITION
FOR WHITE YOUTH AND YOUTH OF COLOR
(SIGNIFICANT COEFFICIENTS ONLY)¹

<i>Independent Variables</i>	<i>Sentencing Rate*</i>		<u>Youth of Color</u>		<i>Confinement Rate**</i>	
	b	SE	Beta	b	SE	Beta
Court Workload						
Arrest Rate (Youth of Color)						
Violent Crime Rate	.456 ²	.233	.416	.670 ³	.291	.488
Change in Viol. Crime Rate						
Percent Pop. of Color				-.369 ²	.199	-.348
Change in Percent Pop. of Color						
Racial/Economic Inequality						
Percent Urban						
Rate of Youth of Color with 5 or More Priors	.294 ²	.170	.414			
Diversion Rate (Youth of Color)				.570 ²	.274	.459
Constant	-3.705	1.899		-4.426	2.369	
R ²	.583			.587		
Adjusted R ²	.374			.380		

* The sentencing rate in this table is the rate at which youth are given sentences of commitment to DJR facilities.

** The confinement rate in this table is the number of youth ever confined in a DJR facility divided by the total number of youth in the county population.

1. All variables are logged.

2. $p < .10$

3. $p < .05$

4. $p < .01$

APPENDIX 3
SUPPLEMENTARY STATISTICAL TABLES -- CHAPTER III

TABLE 3.1
WEIGHTED LOGISTIC REGRESSIONS OF DETENTION¹ ON
CHARACTERISTICS OF CASES, YOUTH AND COUNTIES
(SIGNIFICANT COEFFICIENTS ONLY)

Independent Variables	Basic Model		Social Model	
	B	SE	B	SE
Race	-4.535 ²	2.569		
Gender	.622 ³	.266	1.362 ³	.367
Age			-.206 ³	.085
Type of Instant Offense	2.551 ³	.227	2.096 ³	.295
Prior Referrals	1.254 ³	.308	1.237 ³	.419
Prior Diversions				
Number of Offenses (Instant Case)	.507 ²	.263		
Serious Offender	1.392 ³	.389	1.123 ³	.497
Detention		(excluded)		(excluded)
Use of Firearm		(excluded)		
School Attendance		(excluded)	-1.030 ³	.337
Single Parent Family		(excluded)		
King County				
Pierce County	.910 ²	.430	1.181 ³	.518
Snohomish County	1.264 ³	.420	.888 ³	.499
Spokane County	-.686 ²	.406	-1.137 ³	.513
Yakima County				
Race by Gender			-1.493 ³	.758
Race by Age	.384 ³	.155		
Race by Type of Offense				
Race by Prior Referrals				
Race by Prior Diversions	-1.181 ²	.644		
Race by Number of Offenses				
Race by Serious Offender				
Race by Detention				
Race by School Attendance		(excluded)		
Race by Firearm		(excluded)		
Race by Single Par.		(excluded)		
Race by King Cty			(excluded)	
Race by Pierce Cty			(excluded)	
Race by Sno. Cty			(excluded)	
Race by Spok. Cty			(excluded)	
Race by Yak. Cty			(excluded)	
Hazard Rate		(excluded)		(excluded)
-2 Log Likelihood X ²	888.750	p=1.000	510.417	p=1.000
Model X ²	494.23	p=.000	264.224	p=.000

1. Detained in a county detention facility for more than 24 hours prior to adjudication: See Description of Variables in Table 3.13.

2. p<.10

3. p<.05

TABLE 3.2
WEIGHTED LOGISTIC REGRESSIONS OF EXTENDED DETENTION¹ ON
CHARACTERISTICS OF CASES, YOUTH AND COUNTIES
(SIGNIFICANT COEFFICIENTS ONLY)

Independent Variables	Basic Model		Social Model	
	B	SE	B	SE
Race				
Gender				
Age				
Type of Instant Offense	2.611 ³	.473	1.121 ³	.560
Prior Referrals	1.653 ³	.534	1.610 ³	.683
Prior Diversions				
Number of Offenses (Instant Case)				
Serious Offender	2.263 ³	.485	2.385 ³	.648
Detention		(excluded)		(excluded)
Use of Firearm		(excluded)		
School Attendance		(excluded)	-1.260 ³	.537
Single Parent Family		(excluded)		
King County	1.133 ²	.776		
Pierce County	1.463 ²	.759	1.336 ³	.806
Snohomish County				
Spokane County				
Yakima County				
Race by Gender				
Race by Age				
Race by Type of Offense				
Race by Prior Referrals				
Race by Prior Diversions	-1.439 ²	.819		
Race by Number of Offenses				
Race by Serious Offender				
Race by Detention				
Race by School Attendance		(excluded)		
Race by Firearm		(excluded)		
Race by Single Par.		(excluded)		
Race by King Cty			(excluded)	
Race by Pierce Cty			(excluded)	
Race by Sno. Cty			(excluded)	
Race by Spok. Cty			(excluded)	
Race by Yak. Cty			(excluded)	
Hazard Rate		(excluded)		(excluded)
-2 Log Likelihood X ²	373.750	p=1.000	226.981	p=1.000
Model X ²	269.019	p=.000	159.953	p=.000

1. Detained in a county detention facility for more than seven days prior to adjudication: See Description of Variables in Table 3.13.

2. p<.10

3. p<.05

TABLE 3.3
WEIGHTED LOGISTIC REGRESSIONS OF DIVERSION¹ ON
CHARACTERISTICS OF CASES, YOUTH AND COUNTIES
(SIGNIFICANT COEFFICIENTS ONLY)

Independent Variables	Basic Model		Social Model	
	B	SE	B	SE
Race				
Gender	.319 ³	.138	1.326 ³	.438
Age			-.264 ³	.104
Type of Instant Offense	-2.674 ³	.207	-4.395 ³	.456
Prior Referrals	-1.220 ³	.198	-2.038 ³	.458
Prior Diversions	.628 ³	.226		
Number of Offenses (Instant Case)	.383 ²	.202	-1.316 ³	.421
Serious Offender				
Detention	-2.844 ³	.409	-3.211 ³	.552
Use of Firearm		(excluded)		
School Attendance		(excluded)		
Single Parent Family		(excluded)		
King County	-2.188 ³	.302	2.546 ³	.616
Pierce County	3.514 ³	.383	5.579 ³	.646
Snohomish County	.731 ³	.273	3.159 ³	.483
Spokane County	.590 ²	.204	1.979 ³	.446
Yakima County	1.698 ³	.217	4.228 ³	.534
Race by Gender				
Race by Age				
Race by Type of Offense				
Race by Prior Referrals	-1.422 ³	.708		
Race by Prior Diversions	1.539 ³	.769		
Race by Number of Offenses	-1.000 ³	.576	2.417 ³	1.050
Race by Serious Offender				
Race by Detention				
Race by School Attendance		(excluded)		
Race by Firearm		(excluded)		
Race by Single Par.		(excluded)		
Race by King Cty			(excluded)	
Race by Pierce Cty			(excluded)	
Race by Sno. Cty			(excluded)	
Race by Spok. Cty	-3.296 ³	.739	(excluded)	
Race by Yak. Cty			(excluded)	
Hazard Rate		(excluded)		(excluded)
-2 Log Likelihood X ²	1972.820	p=.000	401.884	p=1.000
Model X ²	980.613	p=.000	697.799	p=.000

1. Diverted from prosecution; See Description of Variables in Table 3.13.

2. p<.10

3. p<.05

TABLE 3.4
WEIGHTED LOGISTIC REGRESSIONS OF NO CHARGES FILED¹ ON
CHARACTERISTICS OF CASES, YOUTH AND COUNTIES
(SIGNIFICANT COEFFICIENTS, ONLY)

Independent Variables	Basic Model		Social Model	
	B	SE	B	SE
Race	-5.369 ³	2.153		
Gender	-.890 ³	.145	-2.975 ³	.612
Age				
Type of Instant Offense	.397 ³	.197		
Prior Referrals	.405 ²	.207	2.183 ³	.732
Prior Diversions	-.846	.256		
Number of Offenses (Instant Case)	.484 ³	.226		
Serious Offender	1.392 ³	.389	2.891 ³	1.228
Detention	-2.719 ³	.712	-6.482 ³	2.111
Use of Firearm	(excluded)			
School Attendance	(excluded)		-1.695 ³	.839
Single Parent Family	(excluded)			
King County	-4.351 ³	.220	-5.059 ³	1.514
Pierce County	-4.309 ³	.844	-7.211 ³	1.492
Snohomish County	-1.071 ³	.296	-8.769 ³	4.870
Spokane County	-.617 ³	.197	-3.403 ³	.653
Yakima County	-1.569 ³	.220	-6.689 ³	1.443
Race by Gender			-1.493 ³	.758
Race by Age	.394 ³	.147		
Race by Type of Offense				
Race by Prior Referrals	-2.213 ³	.833		
Race by Prior Diversions				
Race by Number of Offenses				
Race by Serious Offender				
Race by Detention				
Race by School Attendance	(excluded)			
Race by Firearm	(excluded)			
Race by Single Par.	(excluded)		5.291 ³	2.727
Race by King Cty			(excluded)	
Race by Pierce Cty			(excluded)	
Race by Sno. Cty			(excluded)	
Race by Spok. Cty	1.707 ³	.593	(excluded)	
Race by Yak. Cty			(excluded)	
Hazard Rate	(excluded)		(excluded)	
-2 Log Likelihood X ²	1637.267	p=1.000	159.067	p=1.000
Model X ²	498.354	p=.000	313.084	p=.000

1. No charges filed following referral within 18 months of referral. See description of variables on Page 50.

2. p<.10

3. p<.05

TABLE 3.5
WEIGHTED LOGISTIC REGRESSIONS OF CHARGES FILED¹ ON
CHARACTERISTICS OF CASES, YOUTH AND COUNTIES
(SIGNIFICANT COEFFICIENTS ONLY)

Independent Variables	Basic Model		Social Model	
	B	SE	B	SE
Race				
Gender	1.045 ³	.215	1.130 ³	.347
Age				
Type of Instant Offense	2.702 ³	.227	2.796 ³	.314
Prior Referrals	1.547 ³	.247	.950 ³	.378
Prior Diversions				
Number of Offenses (Instant Case)			.739 ³	.349
Serious Offender				
Detention	3.344 ³	.355	4.011 ³	.555
Use of Firearm		(excluded)		
School Attendance		(excluded)	1.913 ³	.451
Single Parent Family		(excluded)	1.841 ³	.796
King County				
Pierce County	-1.577 ³	.423	-1.234 ³	.528
Snohomish County				
Spokane County				
Yakima County	-.487 ²	.293	-1.142 ³	.465
Race by Gender				
Race by Age	.384 ³	.155		
Race by Type of Offense				
Race by Prior Referrals	1.374 ³	.624		
Race by Prior Diversions	-1.950 ³	.682		
Race by Number of Offenses				
Race by Serious Offender				
Race by Detention				
Race by School Attendance		(excluded)	-1.491 ²	.781
Race by Firearm		(excluded)		
Race by Single Par.		(excluded)	-2.154 ²	1.128
Race by King Cty			(excluded)	
Race by Pierce Cty			(excluded)	
Race by Sno. Cty			(excluded)	
Race by Spok. Cty			(excluded)	
Race by Yak. Cty			(excluded)	
Hazard Rate		(excluded)		(excluded)
-2 Log Likelihood X ²	1328.321	p=1.000	522.940	p=1.000
Model X ²	1020.396	p=.000	546.160	p=.000

1. Any charges filed in the case; See Description of Variables in Table 3.13.

2. p<.10

3. p<.05

TABLE 3.6
WEIGHTED LOGISTIC REGRESSIONS OF FELONY CHARGES FILED¹ ON
CHARACTERISTICS OF CASES, YOUTH AND COUNTIES
(SIGNIFICANT COEFFICIENTS ONLY)

Independent Variables	Basic Model		Social Model	
	B	SE	B	SE
Race				
Gender				
Age			-.849 ³	.369
Type of Instant Offense	13.383 ³	4.342		
Prior Referrals				
Prior Diversions				
Number of Offenses (Instant Case)				
Serious Offender				
Detention				
Use of Firearm		(excluded)		
School Attendance		(excluded)	-1.798 ³	1.075
Single Parent Family		(excluded)		
King County	-2.163 ²	1.183		
Pierce County				
Snohomish County				
Spokane County	-2.086 ³	1.057		
Yakima County				
Race by Gender				
Race by Age				
Race by Type of Offense				
Race by Prior Referrals				
Race by Prior Diversions			4.986 ²	2.692
Race by Number of Offenses				
Race by Serious Offender				
Race by Detention				
Race by School Attendance		(excluded)		
Race by Firearm		(excluded)		
Race by Single Par.		(excluded)		
Race by King Cty			(excluded)	
Race by Pierce Cty			(excluded)	
Race by Sno. Cty			(excluded)	
Race by Spok. Cty			(excluded)	
Race by Yak. Cty			(excluded)	
Hazard Rate				
-2 Log Likelihood X ²	167.330	p=1.000	67.647	p=1.000
Model X ²	640.219	p=.000	381.118	p=.000

1. Any felony charges filed in the case; See Description of Variables in Table 3.13.

2. p<.10

3. p<.05

TABLE 3.7
WEIGHTED LOGISTIC REGRESSIONS OF CHARGES FILED FOR VIOLENT OFFENSES¹ ON
CHARACTERISTICS OF CASES, YOUTH AND COUNTIES
(SIGNIFICANT COEFFICIENTS ONLY)

Independent Variables	Basic Model		Social Model	
	B	SE	B	SE
Race				
Gender				
Age				
Type of Instant Offense			6.848 ³	1.348
Prior Referrals				
Prior Diversions				
Number of Offenses (Instant Case)				
Serious Offender Detention	4.256 ³	.597		
Use of Firearm	(excluded)		2.662 ²	1.420
School Attendance	(excluded)		2.814 ²	1.474
Single Parent Family	(excluded)			
King County				
Pierce County	-1.664 ²	.892		
Snohomish County				
Spokane County				
Yakima County				
Race by Gender				
Race by Age				
Race by Type of Offense				
Race by Prior Referrals				
Race by Prior Diversions				
Race by Number of Offenses				
Race by Serious Offender				
Race by Detention				
Race by School Attendance	(excluded)			
Race by Firearm	(excluded)			
Race by Single Par.	(excluded)			
Race by King Cty			(excluded)	
Race by Pierce Cty			(excluded)	
Race by Sno. Cty			(excluded)	
Race by Spok. Cty			(excluded)	
Race by Yak. Cty			(excluded)	
Hazard Rate				
-2 Log Likelihood X ²	256.798	p=1.000	54.442	p=1.000
Model X ²	144.039	p=.000	211.100	p=.000

1. Any charges for violent offenses filed in the case: See Description of Variables in Table 3.13.

2. p<.10

3. p<.05

TABLE 3.8
WEIGHTED LOGISTIC REGRESSIONS OF ADJUDICATION OF GUILT ON
CHARACTERISTICS OF CASES, YOUTH AND COUNTIES
(SIGNIFICANT COEFFICIENTS ONLY)

<i>Independent Variables</i>	<i>Basic Model</i>		<i>Social Model</i>	
	B	SE	B	SE
Race	9.583 ³	4.810		
Gender	1.032 ³	.393		
Age			-.609 ³	.262
Type of Instant Offense				
Prior Referrals				
Prior Diversions				
Number of Offenses (Instant Case)	.823 ²	.449		
Serious Offender				
Detention	1.307 ³	.452		
Use of Firearm		(excluded)		
School Attendance		(excluded)		
Single Parent Family		(excluded)		
King County				
Pierce County				
Snohomish County			-1.747 ²	1.006
Spokane County				
Yakima County				
Race by Gender	-2.187 ³	1.073		
Race by Age	-.523 ²	.292		
Race by Type of Offense				
Race by Prior Referrals				
Race by Prior Diversions	2.269 ³	1.059		
Race by Number of Offenses				
Race by Serious Offender				
Race by Detention				
Race by School Attendance		(excluded)		
Race by Firearm		(excluded)		
Race by Single Par.		(excluded)		
Race by King Cty			(excluded)	
Race by Pierce Cty			(excluded)	
Race by Sno. Cty			(excluded)	
Race by Spok. Cty			(excluded)	
Race by Yak. Cty			(excluded)	
Hazard Rate				
-2 Log Likelihood X ²	308.622	p=.9998	99.852	p=1.000
Model X ²	94.519	p=.000	53.677	p=.000

1. Adjudicated guilty either by court determination or guilty plea: See Description of Variables in Table 3.13.

2. p<.10

3. p<.05

TABLE 3.9
WEIGHTED LOGISTIC REGRESSIONS OF DISMISSAL OF CHARGES¹ ON
CHARACTERISTICS OF CASES, YOUTH AND COUNTIES
(SIGNIFICANT COEFFICIENTS ONLY)

Independent Variables	Basic Model		Social Model	
	B	SE	B	SE
Race	-8.861 ²	5.134		
Gender	-1.355 ³	.408		
Age			.552 ³	.275
Type of Instant Offense				
Prior Referrals				
Prior Diversions				
Number of Offenses (Instant Case)				
Serious Offender				
Detention	-1.530 ³		-1.867 ³	1.073
Use of Firearm		(excluded)		
School Attendance		(excluded)	-1.698 ³	.995
Single Parent Family		(excluded)		
King County				
Pierce County				
Snohomish County			2.001 ²	1.092
Spokane County				
Yakima County	1.003 ²	.584		
Race by Gender	3.622 ³	1.434		
Race by Age	.384 ³	.155		
Race by Type of Offense				
Race by Prior Referrals				
Race by Prior Diversions	-2.223 ²	1.868		
Race by Number of Offenses				
Race by Serious Offender				
Race by Detention				
Race by School Attendance		(excluded)		
Race by Firearm		(excluded)		
Race by Single Par.		(excluded)		
Race by King Cty			(excluded)	
Race by Pierce Cty			(excluded)	
Race by Sno. Cty			(excluded)	
Race by Spok. Cty			(excluded)	
Race by Yak. Cty			(excluded)	
Hazard Rate				
-2 Log Likelihood X ²	274.374	p=1.000	79.028	p=1.000
Model X ²	93.692	p=.000	53.483	p=.000

1. Charges dismissed by the court following the filing of charges: See Description of Variables in Table 3.13.

2. p<.10

3. p<.05

TABLE 3.10
WEIGHTED LOGISTIC REGRESSIONS OF SENTENCES TO CONFINEMENT¹ ON
CHARACTERISTICS OF CASES, YOUTH AND COUNTIES
(SIGNIFICANT COEFFICIENTS ONLY)

Independent Variables	Basic Model		Social Model	
	B	SE	B	SE
Race				
Gender				
Age				
Type of Instant Offense				
Prior Referrals				
Prior Diversions				
Number of Offenses (Instant Case)				
Serious Offender	2.288 ³	.770	2.412 ³	.968
Detention	1.374 ³	.667	1.690 ³	.818
Guilty Plea				
Total Points	.013 ³	.004	.015 ³	.007
Use of Firearm	(excluded)			
School Attendance	(excluded)			
Single Parent Family	(excluded)			
King County			-2.449 ²	1.397
Pierce County				
Snohomish County				
Spokane County				
Yakima County	-3.356 ³	1.290		
Race by Gender			-1.493 ³	.758
Race by Age				
Race by Type of Offense				
Race by Prior Referrals				
Race by Prior Diversions				
Race by Number of Offenses				
Race by Serious Offender				
Race by Detention				
Race by School Attendance	(excluded)			
Race by Firearm	(excluded)			
Race by Single Par.	(excluded)			
Race by King Cty	(excluded) ⁴		(excluded)	
Race by Pierce Cty	(excluded) ⁴		(excluded)	
Race by Sno. Cty	(excluded) ⁴		(excluded)	
Race by Spok. Cty	(excluded) ⁴		(excluded)	
Race by Yak. Cty	5.238 ³	1.560		
Hazard Rate				
-2 Log Likelihood X ²	127.411	p=1.000	85.490	p=1.000
Model X ²	167.462	p=.000	134.238	p=.000

1. Sentences to supervision in the Division of Juvenile Rehabilitation: See Description of Variables in Table 3.13.

2. p<.10 3. p<.05

4. These county interactions were included in earlier estimations of this model, yielding no significant results. They were excluded solely for reasons of parsimony.

TABLE 3.11
WEIGHTED LOGISTIC REGRESSIONS OF OPTION B SENTENCES¹ ON
CHARACTERISTICS OF CASES, YOUTH AND COUNTIES
(SIGNIFICANT COEFFICIENTS ONLY)

<i>Independent Variables</i>	<i>Basic Model</i>		<i>Social Model</i>	
	B	SE	B	SE
Race				
Gender				
Age	.269 ³	.130	.477 ³	.173
Type of Instant Offense				
Prior Referrals				
Prior Diversions				
Number of Offenses (Instant Case)				
Serious Offender				
Detention				
Guilty Plea				
Total Points				
Use of Firearm	(excluded)			
School Attendance	(excluded)			
Single Parent Family	(excluded)			
King County				
Pierce County				
Snohomish County	1.660 ³	.721	2.174 ³	.961
Spokane County				
Yakima County				
Race by Gender				
Race by Age				
Race by Type of Offense				
Race by Prior Referrals				
Race by Prior Diversions				
Race by Number of Offenses				
Race by Serious Offender				
Race by Detention				
Race by School Attendance	(excluded)			
Race by Firearm	(excluded)			
Race by Single Par.	(excluded)			
Race by King Cty	(excluded) ⁴		(excluded)	
Race by Pierce Cty	(excluded) ⁴		(excluded)	
Race by Sno. Cty	(excluded) ⁴		(excluded)	
Race by Spok. Cty	(excluded) ⁴		(excluded)	
Race by Yak. Cty				
Hazard Rate				
-2 Log Likelihood X ²	261.672	p=1.000	177.890	p=.932
Model X ²	30.490	p=.000	37.954	p=.293

1. Sentences to community supervision under Option B; See Description of Variables in Table 3.13.

2. p<.10 3. p<.05

4. These county interactions were included in earlier estimations of this model, yielding no significant results. They were excluded solely for reasons of parsimony.

TABLE 3.12
WEIGHTED LOGISTIC REGRESSIONS OF MANIFEST INJUSTICE SENTENCES¹ ON
CHARACTERISTICS OF CASES, YOUTH AND COUNTIES
(SIGNIFICANT COEFFICIENTS ONLY)

<i>Basic Model</i>		
Independent Variables	B	SE
Race		
Gender		
Age		
Type of Instant Offense		
Prior Referrals		
Prior Diversions		
Number of Offenses (Instant Case)		
Serious Offender		
Detention		
Guilty Plea		
Total Points		
Use of Firearm	(excluded)	
School Attendance	(excluded)	
Single Parent Family	(excluded)	
King County		
Pierce County		
Snohomish County		
Spokane County		
Yakima County		
Race by Gender		
Race by Age		
Race by Type of Offense		
Race by Prior Referrals		
Race by Prior Diversions		
Race by Number of Offenses		
Race by Serious Offender		
Race by Detention		
Race by School Attendance	(excluded)	
Race by Firearm	(excluded)	
Race by Single Par.	(excluded)	
Race by King Cty	(excluded) ⁴	
Race by Pierce Cty	(excluded) ⁴	
Race by Sno. Cty	(excluded) ⁴	
Race by Spok. Cty	(excluded) ⁴	
Race by Yak. Cty		
Hazard Rate		
-2 Log Likelihood X ²	55.656	p=1.000
Model X ²	22.129	p=.775

1. Aggravated or enhanced sentences imposed in cases where the court rules that imposing the standard statutory penalty would create a "manifest injustice." See Description of Variables in Table 3.13. Analyses including additional measures -- such as selected social background variables -- were not possible given the limited number of cases available for the estimations.

2. $p < .10$ 3. $p < .05$

4. These county interactions were included in earlier estimations of this model, yielding no significant results. They were excluded solely for reasons of parsimony.

TABLE 3.13
 DESCRIPTIONS OF VARIABLES FOR TABLES 3.1-3.12

Variables

Race (White=0; Youth of Color = 1)
 Gender (Female=0; Male=1)
 Age
 Type of Instant
 Offense (0=Misdemeanor at Arrest/Charging; 1=Felony at Arrest/Charging)
 Prior Referrals (0=None; 1=More than 1 Prior Referral)
 Prior Diversions (0=None; 1=More than 1 Prior Diversion)
 Number of Offenses (0=1; 1= Two or More)
 (Instant Case)
 Serious Offender (0=No; 1=Yes)
 Detention (0=None or less than 24 hours; 1=More than 24 hours)
 Guilty Plea (0=No; 1=Yes)
 Total Points
 Use of Firearm (0=No; 1=Yes)
 School Attendance (0=Not in School at Time of Disposition; 1= In School at time of Disposition)
 Single Parent Family (0=Not Living as Part of a Single Parent Family; 1= Living as part of a Single Parent Family)
 King County (0=No; 1=Yes)
 Pierce County (0=No; 1=Yes)
 Snohomish County (0=No; 1=Yes)
 Spokane County (0=No; 1=Yes)
 Yakima County (0=No; 1=Yes)

Race by Gender (0=Other; 1=Males of Color)
 Race by Age (Product of Race and Age Terms)
 Race by Type (0=Other; 1= Youth of color Arrested/Charged with Felonies)
 of Offense
 Race by Prior (0=Other; 1=Youth of Color with Records of Prior Referrals)
 Referrals
 Race by Prior (0=Other; 1=Youth of Color with Records of Prior Diversions)
 Diversions
 Race by Number (Product of Race and Number of Offenses Terms)
 of Offenses
 Race by Serious (0=Other; 1=Youth of Color Designated as Serious Offender)
 Offender
 Race by Detention (0=Other; 1= Youth of Color Detained)
 Race by School (0=Other; 1=Youth of Color in School)
 Attendance
 Race by Firearm (0=Other; 1=Youth of Color with a Firearm)
 Race by Single Par. (0=Other; 1= Youth of Color from a Single Parent Family)
 Race by King Cty (0=Other; 1= Youth of Color in King County)
 Race by Pierce Cty (0=Other; 1= Youth of Color in Pierce County)
 Race by Sno. Cty (0=Other; 1= Youth of Color in Snohomish County)
 Race by Spok. Cty (0=Other; 1= Youth of Color in Spokane County)
 Race by Yak. Cty (0=Other; 1= Youth of Color in Yakima County)

TABLE 3.14

LOGISTIC REGRESSIONS OF DJR SECURITY CLASSIFICATION¹ ON
CHARACTERISTICS OF CASES, YOUTH AND COUNTIES
(SIGNIFICANT COEFFICIENTS ONLY)

<i>Independent Variables</i>	B	SE
Race		
Gender		
Age	.369 ³	.081
Sentence Points		
Total Sentence (Max)		
Serious Offender	2.476 ³	.346
Statutory Increase Factor		
Instant Offense Severity		
Class A County		
Class B County		
Class C County		
Class D County		
Race by Gender	1.584 ²	.843
Race by Age	-.217 ²	.132
Race by Sentence Points		
Race by Total Sentence (Max)		
Race by Serious Offender	.987 ³	.503
Race by Increase Factor		
Race by Instant Offense Severity		
Race by County Class A (Urban)		
-2 Log Likelihood X ²	912.189	p=1.000
Model X ²	526.111	p=.000

1. Assignment to a Maximum Security Facility (Security Level 1).

2. p<.10

3. p<.05

TABLE 3.15
LOGISTIC REGRESSIONS OF DJR SECURITY CLASSIFICATION¹ ON
CHARACTERISTICS OF CASES, YOUTH AND COUNTIES
(SIGNIFICANT COEFFICIENTS ONLY)

<i>Independent Variables</i>	B	SE
Race		
Gender		
Age	-.358 ³	.060
Sentence Points	-.001 ³	.001
Total Sentence (Max)		
Serious Offender	-1.031 ³	.239
Statutory Increase		
Factor	.267 ³	.110
Instant Offense		
Severity		
Class A County		
Class B County		
Class C County		
Class D County		
Race by Gender	-2.236 ³	.737
Race by Age	.289 ³	.102
Race by Sentence		
Points		
Race by Total		
Sentence (Max)		
Race by Serious	-1.202 ³	.369
Offender		
Race by Increase		
Factor		
Race by Instant		
Offense Severity		
Race by County		
Class A (Urban)		
-2 Log Likelihood X ²	1438.310	p=.0001
Model X ²	281.727	p=.000

1. Assignment to a Medium Security Facility (Security Levels 2 and 3).

2. p<.10

3. p<.05

TABLE 3.16

LOGISTIC REGRESSIONS OF DJR SECURITY CLASSIFICATION¹ ON
CHARACTERISTICS OF CASES, YOUTH AND COUNTIES
(SIGNIFICANT COEFFICIENTS ONLY)

<i>Independent Variables</i>	B	SE
Race		
Gender		
Age	.246 ³	.081
Sentence Points		
Total Sentence (Max)	-.010 ³	.002
Serious Offender	-.816 ³	.337
Statutory Increase Factor		
Instant Offense Severity		
Class A County	-1.944 ³	.568
Class B County	-.912 ²	.554
Class C County		
Class D County		
Race by Gender	1.584 ²	.843
Race by Age	-.217 ²	.132
Race by Sentence Points		
Race by Total Sentence (Max)		
Race by Serious Offender		
Race by Increase Factor		
Race by Instant Offense Severity		
Race by County Class A (Urban)		
-2 Log Likelihood X ²	798.628	p=1.000
Model X ²	334.648	p=.000

1. Assignment to a Minimum Security Facility (Security Level 4).

2. p<.10

3. p<.05